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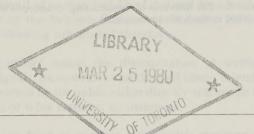
Government Bill

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4TH SESSION, 31ST LEGISLATURE, ONTARIO 29 ELIZABETH II, 1980

Legislation Amendy

An Act to amend The Libel and Slander Act



THE HON- R. McMurtry Attorney General

## EXPLANATORY NOTES

Section 1. The definition of "broadcasting" is amended to include more lately developed methods of communication.

Section 2. The new section would overrule the decision in *Cherneskey* v. *Armadale Publishers*, [1979] 1 S.C.R. 1067 in which the defence of fair comment was held not to be available to the publisher of a letter to the editor where the publisher did not hold the opinion expressed in the letter. The new section would restore the defence in the circumstances set out in the section and is wide enough to include open line radio programs.

BILL 1 1980

## An Act to amend The Libel and Slander Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1. Clause a of subsection 1 of section 1 of *The Libel and Slander Act*, s. 1 (1) (a), being chapter 243 of the Revised Statutes of Ontario, 1970, is repealed and the following substituted therefor:
  - (a) "broadcasting" means the dissemination of writing, signs, signals, pictures and sounds of all kinds, intended to be received by the public either directly or through the medium of relay stations, by means of,
    - (i) any form of wireless radioelectric communication utilizing Hertzian waves, including radiotelegraph and radiotelephone, or
    - (ii) cables, wires, fibre-optic linkages or laser beams,

and "broadcast" has a corresponding meaning.

- 2. The said Act is amended by adding thereto the following section: s. 25. enacted
  - 25. Where the defendant published defamatory matter that is Fair an opinion expressed by another person, a defence of fair comment shall not fail for the reason only that the defendant or the person who expressed the opinion, or both, did not hold the opinion, if a person could honestly hold the opinion.
- 3. This Act comes into force on the day it receives Royal Assent. Commencement
- 4. The short title of this Act is *The Libel and Slander Amendment Act*, Short title 1980.

1st Reading
March 11th, 1980

3rd Reading

THE HON. R. McMurtry Attorney General

(Government Bill)

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4TH SESSION, 31ST LEGISLATURE, ONTARIO
29 ELIZABETH II, 1980

29 ELIZABETH II, 1980 Togisl alum

# An Act to amend The Libel and Slander Act

THE HON. R. McMurtry Attorney General



(Reprinted as amended by the Administration of Justice Committee)

## EXPLANATORY NOTES

S ECTION 1.—Subsection 1. The definition of "broadcasting" is amended to include more lately developed methods of communication.

Subsection 2. The definition of "newspaper" is amended to include community papers distributed without charge.

Section 2. The new section would overrule the decision in *Cherneskey* v. *Armadale Publishers*, [1979] 1 S.C.R. 1067 in which the defence of fair comment was held not to be available to the publisher of a letter to the editor where the publisher did not hold the opinion expressed in the letter. The new section would restore the defence in the circumstances set out in the section and is wide enough to include open line radio programs.

# An Act to amend The Libel and Slander Act

FER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1.—(1) Clause a of subsection 1 of section 1 of The Libel and Slander s. 1 (1) (a), Act, being chapter 243 of the Revised Statutes of Ontario, 1970, is repealed and the following substituted therefor:
  - (a) "broadcasting" means the dissemination of writing, signs, signals, pictures and sounds of all kinds, intended to be received by the public either directly or through the medium of relay stations, by means of,
    - (i) any form of wireless radioelectric communication utilizing Hertzian waves, including radiotelegraph and radiotelephone, or
    - (ii) cables, wires, fibre-optic linkages or laser beams.

and "broadcast" has a corresponding meaning.

- (2) Clause b of subsection 1 of the said section 1 is repealed and the  $\frac{s-1}{re-enacted}$ following substituted therefor:
  - (b) "newspaper" means a paper containing public news, intelligence, or occurrences or remarks or observations thereon, or containing only, or principally, advertisements, printed for distribution to the public and published periodically, or in parts or numbers, at least twelve time a year.

2. The said Act is amended by adding thereto the following section: s. 25,

25. Where the defendant published defamatory matter that is Fair an opinion expressed by another person, a defence of fair comment by the defendant shall not fail for the reason only that the defen-

dant or the person who expressed the opinion, or both, did not hold the opinion, if a person could honestly hold the opinion.

Commencement 3. This Act comes into force on the day it receives Royal Assent.

Short title

**4.** The short title of this Act is *The Libel and Slander Amendment Act*, 1980.







1st Reading
March 11th, 1980

2nd Reading April 15th, 1980

3rd Reading

THE HON. R. McMurtry Attorney General

(Reprinted as amended by the Administration of Justice Committee)

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4TH SESSION, 31ST LEGISLATURE, ONTARIO 29 ELIZABETH II, 1980

An Act to amend The Libel and Slander Act

THE HON. R. MCMURTRY Attorney General



BILL 1 1980

## An Act to amend The Libel and Slander Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1.—(1) Clause *a* of subsection 1 of section 1 of *The Libel and Slander* s. 1 (1) (a).

  Act, being chapter 243 of the Revised Statutes of Ontario, re-enacted 1970, is repealed and the following substituted therefor:
  - (a) "broadcasting" means the dissemination of writing, signs, signals, pictures and sounds of all kinds, intended to be received by the public either directly or through the medium of relay stations, by means of,
    - (i) any form of wireless radioelectric communication utilizing Hertzian waves, including radiotelegraph and radiotelephone, or
    - (ii) cables, wires, fibre-optic linkages or laser beams,

and "broadcast" has a corresponding meaning.

- (2) Clause b of subsection 1 of the said section 1 is repealed and the  $^{\rm s.~1~(1)}_{\rm re-enacted}$  following substituted therefor:
  - (b) "newspaper" means a paper containing public news, intelligence, or occurrences or remarks or observations thereon, or containing only, or principally, advertisements, printed for distribution to the public and published periodically, or in parts or numbers, at least twelve time a year.
- 2. The said Act is amended by adding thereto the following section: s. 25, enacted
  - 25. Where the defendant published defamatory matter that is Fair an opinion expressed by another person, a defence of fair comment by the defendant shall not fail for the reason only that the defendant

dant or the person who expressed the opinion, or both, did not hold the opinion, if a person could honestly hold the opinion.

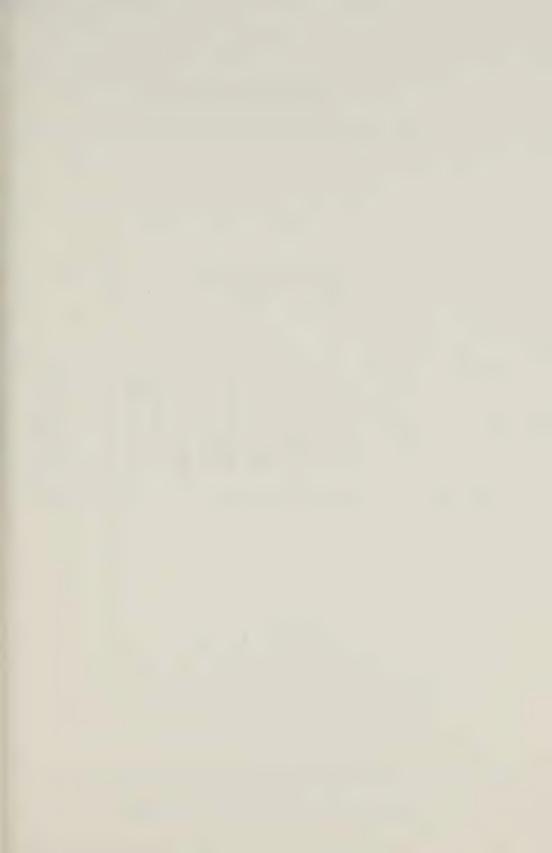
Commencement 3. This Act comes into force on the day it receives Royal Assent.

Short title

**4.** The short title of this Act is *The Libel and Slander Amendment Act* 1980.







# An Act to amend The Libel and Slander Act

1st Reading
March 11th, 1980

2nd Reading April 15th, 1980

3rd Reading June 19th, 1980

THE HON. R. McMurtry Attorney General

Fublications.

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4TH SESSION, 31ST LEGISLATURE, ONTARIO 29 ELIZABETH II, 1980

An Act to amend The Drainage Act, 1975



THE HON. LORNE C. HENDERSON Minister of Agriculture and Food

#### EXPLANATORY NOTES

Section 1. Clauses b and c of subsection 1 of section 4 of the Act now read as follows:

- 4.—(1) A petition for the drainage by means of a drainage works of an area requiring drainage as described in the petition may be filed with the clerk of the local municipality in which the area is situate by,
  - (b) the owner or owners, as shown by the last revised assessment roll, of lands in the area representing at least 60 per cent of the acreage in the area;
  - (c) where a drainage works is required for a road or part thereof, the engineer or road superintendent appointed under The Public Transportation and Highway Improvement Act and having jurisdiction over such road or part; or

In clause b, "acreage" is changed to "hectarage".

Clause c is re-enacted to remove a conflict with subsection 1 of section 65 of the Act and to expand the class of persons who may petition for the drainage of a road to include the person having control of a road in a city, town or village.

- Section 2. Clause a of subsection 1 of section 8 of the Act now reads as follows:
- 8.—(1) Where the council of the initiating municipality has decided to proceed with the drainage works described in a petition, the council shall, by by-law or resolution, appoint an engineer to make an examination of the area requiring drainage as described in the petition and to prepare a report which shall include,
  - (a) plans, profiles and specifications of the drainage works.

The clause is expanded to provide that a report shall include a description of the area requiring drainage.

- Section 3. Section 29 of the Act now reads as follows:
- 29. The engineer in his report shall estimate and allow in money to the owner of any land that it is necessary to use,
  - (a) for the construction or improvement of a drainage works;
  - (b) for the disposal of material removed from drainage works;
  - (c) as a site for a pumping station to be used in connection with a drainage works; or
  - (d) as a means of access to any such pumping station, if, in the opinion of the engineer, such right of way is sufficient for the purposes of the drainage works,

the value of any such land or the damages, if any, thereto.

The amendment provides that the engineer shall include in his estimates of the cost of a drainage works any allowance made for the use of or damage to land.

#### Section 4. Section 31 of the Act now reads as follows:

31. Where an existing drain that was not constructed on requisition or petition under this Act or any predecessor of this Act is incorporated in whole or in part in a drainage works, the engineer in his report shall estimate and allow in money to the owner of such drain or part the value to the drainage works of such drain or part.

The section is expanded to provide that the engineer shall include in his estimates of the cost of a drainage works any allowance made for an existing drain that is being incorporated into a drainage works.

## SECTION 5. Section 33 of the Act now reads as follows:

33. Where the engineer thinks it expedient to make an allowance for severance to an owner instead of providing for the construction or the replacement, enlargement or other improvement of a bridge, he shall in his report provide for payment to the owner of such amount as appears just by way of allowance for severance.

The word "severance" is struck out where it now occurs and is replaced by the words "loss of access" to remove confusion with the word "severance" used in the sense of subdivision. The section is also expanded to provide that the engineer shall include in his estimates of the cost of a drainage works any allowance made for loss of access

Section 6. Subsections 1 and 2 of section 41 of the Act provide for giving notice of a meeting to consider a report.

The new subsection provides that a council is not required to send a copy of the engineer's report with the notice to owners who are included in a block assessment.

## SECTION 7. Subsection 2 of section 46 of the Act now reads as follows:

(2) The council of the initiating municipality and of every local municipality to whom a copy of the provisional by-law is sent under subsection 1 shall, within thirty days after the adoption of the report, send a copy of the provisional by-law, exclusive of the engineer's report, and a notice of the time and place of the sitting of the court of revision by prepaid mail to each owner entitled to notice under section 41 informing the owner that he may appeal his assessment to the court of revision by a notice given to the clerk of the initiating municipality not later than ten days prior to the first sitting of the court of revision.

The subsection is re-enacted to make it accord with the amendments set out in sections 8, 9, 10 and 11 of the Bill.

### SECTION 8. Subsection 1 of section 47 of the Act now reads as follows:

(1) Any owner of land or public utility affected by a drainage works, if dissatisfied with the report of the engineer on the grounds that it does not comply with the requirements of this Act, or that the engineer has reported that the drainage works cannot be constructed under section 4, may appeal to the referee and in every case a written notice of appeal shall be served upon the council of the initiating municipality withinforty days after the mailing of the notices under section 41.

The amendment changes the commencement of the time within which an owner may appeal the engineer's report.

#### Section 9. Subsection 1 of section 48 of the Act now reads as follows:

- (1) Any owner of land or any public utility affected by a drainage works, if dissatisfied with the report of the engineer on the grounds that,
  - (a) the benefits to be derived from the drainage works are not commensurate with the estimated cost thereof;
  - (b) the drainage works should be modified on grounds to be stated;
  - (c) the compensation or allowances provided by the engineer are inadequate or excessive;
  - (d) the engineer has reported that the drainage works is not required, or is impractical, or cannot be constructed under section 3,

may appeal to the Tribunal, and in every case a written notice of appeal shall be served within forty days after the mailing of the notice under section 40 or 41.

The subsection is amended to accord with section 8 of the Bill.

SECTION 10. Section 49 of the Act now reads as follows:

49. Where the proposed drainage works is to be undertaken within a watershed in which a conservation authority has jurisdiction, the authority may appeal from the report of the engineer to the Tribunal on the ground that the drainage works will injuriously affect a scheme undertaken by the authority under The Conservation Authorities Act, and in every case a written notice of appeal shall be served within forty days after the mailing of the notices under section 41.

The section is amended to accord with section 8 of the Bill.

Section 11. Subsection 1 of section 50 of the Act now reads as follows:

(1) The council of any local municipality to which a copy of the report was sent under section 41 may, within forty days after the report is sent to the clerk, appeal to the Tribunal from the report by serving the clerk of the initiating municipality and the clerk of every other municipality assessed by the engineer with a written notice of appeal setting forth the reasons for such appeal.

The subsection is re-enacted to accord with section 8 of the Bill.

SECTION 12. Subsection 1 of section 51 of the Act now reads as follows:

(1) On any appeal or reference to the Tribunal under this Act, the Tribunal shall hear and determine the matter and, where not so provided, may make such order and direct such things to be done as are authorized by this Act and as it considers proper to carry out the purposes of this Act.

The underlined word is changed to "or" to clarify that the Drainage Tribunal may deal with matters other than assessment on an appeal from a court of revision.

Section 13. Subsection 5 of section 58 of the Act now reads as follows:

(5) Where the council does not proceed with reasonable dispatch with the construction of the work after passage of the by-law, a petitioner may appeal to the Tribunal or, where lands used for agricultural purposes are included in the area to be drained, the Minister may refer the matter to the Tribunal, and the Tribunal may direct the council to take such action as the council is authorized to take under this Act and as the Tribunal considers proper.

The amendment corrects an omission in the Act when it was enacted in 1975.

SECTION 14. Section 60 of the Act now reads as follows:

60. The council of each local municipality to which a copy of the report is required to be sent under subsection 1 of section 41 shall raise and pay over to the treasurer of the initiating municipality its proportion of the cost of the construction of the drainage works within a reasonable time after the drainage works has been certified complete by the engineer or drainage superintendent.

The underlined words are struck out and replaced by the words "sixty days" to establish a definite time in which a local municipality shall pay its proportion of the costs of a drainage works.

SECTION 15. Subsection 1 of section 61 of the Act now reads as follows:

(1) The council of each local municipality that is required to raise the whole or any part of the cost of the construction of the drainage works shall, forthwith after the time for appealing has expired and there are no appeals or after all appeals have been decided, by by-law impose upon the land assessed for the construction of the drainage works the assessment with which it is chargeable, and the amount so imposed is payable in such instalments as the council may prescribe.

The subsection is re-enacted to delete the requirement that the time for appeals must have expired or all appeals must have been decided before a municipality imposes assessments.

Section 16. Subsection 5 of section 65 of the Act now reads as follows:

(5) Any such owner who is dissatisfied with such apportionment and who is assessed for a sum greater than \$200 may appeal to the Tribunal within forty days after the date a copy of the apportionment is sent to him by the clerk.

The amendment provides that an owner may appeal to the Drainage Tribunal where he is assessed for a sum greater than \$500.

Section 17.—Subsection 1. Subsection 1 of section 66 of the Act now reads as follows:

(1) Where an owner of land that is not assessed for a drainage works subsequently connects the land with the drainage works for the purpose of drainage or where the nature or extent of the use of a drainage works by land assessed for the drainage works is subsequently altered, an engineer appointed by the initiating municipality for the purpose shall make a report and assess the land for a just proportion of the drainage works, regard being had to any compensation paid to the owner of such land in respect of the drainage works, but no person shall connect such land to the drainage works without the approval of the council of the municipality.

The underlined words are struck out and replaced by the words "an inspection".

The amendment will permit an engineer to assess land without making a full report.

Subsection 2. The new subsection provides for an appeal to the Drainage Tribunal in the circumstances set out.

SECTION 18. Section 68 of the Act now reads as follows:

68. Where compensation or allowance has been paid to the owner of any land under section 32 or 33, the clerk of the local municipality shall cause to be registered in the proper land registry office a copy of the by-law adopting the report together with a statement of the amount paid and a description of the land in respect of which the amount was paid in the Form prescribed in the regulations.

The section is re-enacted to exclude plans, profiles and specifications of a drainage works from the material required to be registered in a land registry office.

Section 19. Subsection 3 of section 75 of the Act now reads as follows:

(3) The council of any municipality shall not be required to assess and levy the amount charged for maintenance or repair of a drainage works more than once in every five years if the total expense incurred does not exceed the sum of \$1,000, in which case sections 64 and 65 of The Ontario Municipal Board Act do not apply.

The maximum amount that may be assessed and levied for maintenance and repair of a drainage works without approval of The Ontario Municipal Board is increased from \$1,000 to \$5,000.

SECTION 20. Subsection 2 of section 76 of the Act now reads as follows:

(2) The proceedings upon such report shall be the same, as nearly as may be, as upon the report for the construction of the drainage works.

"Appeals" are excluded from the operation of the subsection.

Section 21. Subsection 2 of section 77 of the Act now reads as follows:

(2) Where any road authority desires to relocate a drainage works or part thereof that is on or adjacent to a road under its jurisdiction, upon the report of an engineer appointed by the municipality whose duty it is to maintain and repair the drainage works that the drainage works or part thereof can be moved to a specified new location without impairing the capacity or efficiency of such drainage works or adversely affecting any person or property, the council of a local municipality may authorize such relocation within the boundaries of the municipality at the expense of the road authority.

The amendment permits an engineer to do a feasibility study on a relocation of a drain and give his opinion in writing without preparing a report.

SECTION 22. Subsection 4 of section 78 of the Act now reads as follows:

(4) All proceedings, including appeals, with respect to a report under subsection 1 and the assessments therein shall be the same as on a report for the construction of a drainage works and the assessments therein.

The subsection is re-enacted to clarify that all proceedings under section 78 of the Act shall be the same as on a report for the construction of a drainage works.

Section 23.—Subsection 1. Subsection 1 of section 79 of the Act now reads as follows:

(1) Upon thirty days notice in writing served by any person whose property is injuriously affected by the condition of a drainage works, upon the head or clerk of the local municipality whose duty it is to maintain and repair the drainage works, the municipality is compellable by an order of the referee to exercise the powers and to perform the duties conferred or imposed upon it by this Act as to maintenance and repair or such of the powers and duties as to the referee appears proper, and the municipality is liable in damages to the owner whose property is so injuriously affected.

The amendment expands the time for repairing a drain after notice and clarifies the intent that the injury suffered is not restricted to land.

Subsection 2. Subsection 2 of section 79 of the Act now reads as follows:

(2) Notwithstanding subsection 1, the local municipality whose duty it is to maintain and repair drainage works shall not become liable in damages to any person whose property is injuriously affected by reason of the non-repair of the drainage works until after service by or on behalf of such person of the notice referred to in subsection 1 upon the head or clerk of the municipality, describing with reasonable certainty the alleged lack of maintenance and repair of the drainage works.

The underlined words are struck out to make the subsection accord with the amendment in subsection 1 of this section of the Bill.

Section 24. Subsection 1 of section 94 of the Act now reads as follows:

(1) The drainage superintendent shall inspect every drainage works for which the municipality is responsible at intervals of not less than three years, and shall periodically report to council on the condition of the drainage works in the municipality.

The underlined words are struck out to remove the time limits within which drains are to be inspected by the drainage superintendent.

Section 25. The new section makes it an offence to interfere with or hinder the drainage superintendent or a commissioner in the exercise of his powers and provides a penalty therefor.

Section 26.—Subsection 1. Subsection 1 of section 96 of the Act now reads as follows:

(1) Subject to subsection 3, a court of revision shall consist of three or five members appointed by the council of the initiating municipality and such members other than members of the council may be paid such remuneration and expenses as the council may by by-law provide.

The re-enactment of the subsection is complementary to subsection 2 of this section of the Bill.

Subsection 2. The new subsections clarify that a majority of the members of a court of revision shall constitute a quorum and that a quorum is sufficient to exercise all the jurisdiction and powers of the court.

A similar amendment was made to The Local Improvement Act in 1979.

Section 27. Subsection 11 of section 97 of the Act now reads as follows:

(11) The costs chargeable or to be awarded in any proceedings may include the costs of witnesses and of procuring their attendance, the costs of secretarial staff and such other costs as the Tribunal may direct, and may be

taxed according to the allowance in a small claims court for such costs, and, in cases where execution issues, the costs thereof as in the like court, and of enforcing the execution, may also be collected thereunder.

The underlined words are struck out. The limitation on costs to those allowed in a small claims court is removed.

SECTION 28. Section 100 of the Act now reads as follows:

100. In any application, appeal or reference under sections 8, 10, 48, 49, 50, 54, 64, 65 and 75 the decision of the Tribunal is final.

The application of the section is expanded to include section 66 of the Act.

# An Act to amend The Drainage Act, 1975

TER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- **1.** Clauses b and c of subsection 1 of section 4 of *The Drainage Act*,  $\frac{s}{re-enacted}$ ,  $\frac{d}{re-enacted}$ 1975, being chapter 79, are repealed and the following substituted therefor:
  - (b) the owner or owners, as shown by the last revised assessment roll, of lands in the area representing at least 60 per cent of the hectarage in the area;
  - (c) where a drainage works is required for a road or part thereof, the engineer, road superintendent or person having jurisdiction over such road or part, notwithstanding subsection 5 of section 61; or
- 2. Clause a of subsection 1 of section 8 of the said Act is repealed and s. 8 (1) (a). the following substituted therefor:
  - (a) plans, profiles and specifications of the drainage works, including a description of the area requiring drainage.
- 3. Section 29 of the said Act is amended by adding at the end thereof s. 29, "and shall include such sums in his estimates of the cost of the construction, improvement, repair or maintenance of the drainage works".
- 4. Section 31 of the said Act is repealed and the following substituted s. 31, therefor:
  - 31. Where an existing drain that was not constructed on Allowance requisition or petition under this Act or any predecessor of this Act drains is incorporated in whole or in part in a drainage works, the engineer in his report shall estimate and allow in money to the owner of such drain or part the value to the drainage works of such drain or part and shall include such sum in his estimates of the cost

of the construction, improvement, repair or maintenance of the drainage works.

s. 33, re-enacted **5.** Section 33 of the said Act is repealed and the following substituted therefor:

Allowance for loss of access 33. Where the engineer thinks it expedient to make an allowance for loss of access to an owner instead of providing for the construction or the replacement, enlargement or other improvement of a bridge, he shall in his report provide for payment to the owner of such amount as appears just by way of allowance for loss of access and shall include such sums in his estimates of the cost of the construction, improvement, repair or maintenance of the drainage works.

s. 41, amended **6.** Section 41 of the said Act is amended by adding thereto the following subsection:

Copy of report not required

(2a) Notwithstanding subsections 1 and 2, where a block assessment is made, the notice to the owners of the lands so assessed need not be accompanied by a copy of the report.

s. 46 (2), re-enacted

**7.** Subsection 2 of section 46 of the said Act is repealed and the following substituted therefor:

Idem

(2) The council of the initiating municipality and of every local municipality to whom a copy of the provisional by-law is sent under subsection 1 shall, within thirty days after the adoption of the report, send a copy of the provisional by-law, exclusive of the engineer's report, and a notice of the time and place of the sitting of the court of revision by prepaid mail to each person or body entitled to notice under section 41 and the notice shall inform each owner that he may appeal his assessment to the court of revision by a notice given to the clerk of the initiating municipality not later than ten days prior to the first sitting of the court of revision.

s. 47 (1), amended **8.** Subsection 1 of section 47 of the said Act is amended by striking out "section 41" in the ninth line and inserting in lieu thereof "section 40 or subsection 2 of section 46, as the case may be".

s. 48 (1), amended **9.** Subsection 1 of section 48 of the said Act is amended by striking out "41" in the sixteenth line and inserting in lieu thereof "subsection 2 of section 46, as the case may be".

s. 49, amended **10.** Section 49 of the said Act is amended by striking out "section 41" in the ninth line and inserting in lieu thereof "subsection 2 of section 46".

s. 50 (1), re-enacted **11.** Subsection 1 of section 50 of the said Act is repealed and the following substituted therefor:

(1) The council of any local municipality to which a copy of a Appeal by provisional by-law was sent under subsection 1 of section 46 may. within forty days after the copy of the provisional by-law was sent to the clerk, appeal to the Tribunal from the report by serving the clerk of the initiating municipality and the clerk of every other municipality assessed by the engineer with a written notice of appeal setting forth the reasons for such appeal.

- **12.** Subsection 1 of section 51 of the said Act is amended by striking out s. 51 (1), "and" in the fifth line and inserting in lieu thereof "or".
- 13. Subsection 5 of section 58 of the said Act is amended by inserting s. 58 (5), after "a" in the third line "requisitioner or a".
- 14. Section 60 of the said Act is amended by striking out "a reasonable s. 60, time" in the fifth line and inserting in lieu thereof "sixty days".
- 15. Subsection 1 of section 61 of the said Act is repealed and the s. 61 (1). following substituted therefor:
  - (1) The council of each local municipality that is required to Imposition raise the whole or any part of the cost of the drainage works shall assessment by by-law impose upon the land assessed for the drainage works the assessment with which it is chargeable, and the amount so imposed is payable in such instalments as the council may prescribe

- **16.** Subsection 5 of section 65 of the said Act is amended by striking out s. 65 (5): "\$200" in the second line and inserting in lieu thereof "\$500".
- 17.—(1) Subsection 1 of section 66 of the said Act is amended by s. 66 (1), striking out "a report" in the seventh line and inserting in lieu thereof "an inspection".
  - (2) The said section 66 is amended by adding thereto the following s. 66, subsection:
  - (1a) The clerk of the initiating municipality shall forthwith Notice of send a copy of the assessment to the owners of land assessed under assessment subsection 1, and any owner who is so assessed for a sum greater than \$500 and is dissatisfied with the assessment may appeal to the Tribunal within forty days after the date the notice is sent to him by the clerk.
- **18.** Section 68 of the said Act is repealed and the following substituted s. 68, therefor:
  - 68. Where compensation has been paid to the owner of any Registration land under section 32 or 33, the clerk of the local municipality shall cause to be registered in the proper land registry office a copy of the by-law adopting the report, exclusive of the plans, profiles and

specifications of the drainage works, together with a statement of the amount paid and a description of the land in respect of which the amount was paid in the Form prescribed in the regulations.

- s. 75 (3), amended
- **19.** Subsection 3 of section 75 of the said Act is amended by striking out "\$1,000" in the fifth line and inserting in lieu thereof "\$5,000".
- s. 76 (2), re-enacted
- **20.** Subsection 2 of section 76 of the said Act is repealed and the following substituted therefor:

Proceedings on report of engineer

- (2) The proceedings upon such report, excepting appeals, shall be the same, as nearly as may be, as upon the report for the construction of the drainage works.
- s. 77 (2), amended
- **21.** Subsection 2 of section 77 of the said Act is amended by striking out "report" in the third line and inserting in lieu thereof "written opinion".
- s. 78 (4), re-enacted
- **22.** Subsection 4 of section 78 of the said Act is repealed and the following substituted therefor:

Proceedings

- (4) All proceedings, including appeals, under this section shall be the same as on a report for the construction of a drainage works.
- s. 79 (1), amended
- **23.**—(1) Subsection 1 of section 79 of the said Act is amended by striking out "thirty" in the first line and inserting in lieu thereof "forty-five" and by striking out "whose property is injuriously" in the second line.
- s. 79 (2), amended
- (2) Subsection 2 of the said section 79 is amended by striking out "whose property is injuriously" in the third and fourth lines.
- s. 94 (1), re-enacted
- **24.** Subsection 1 of section 94 of the said Act is repealed and the following substituted therefor:

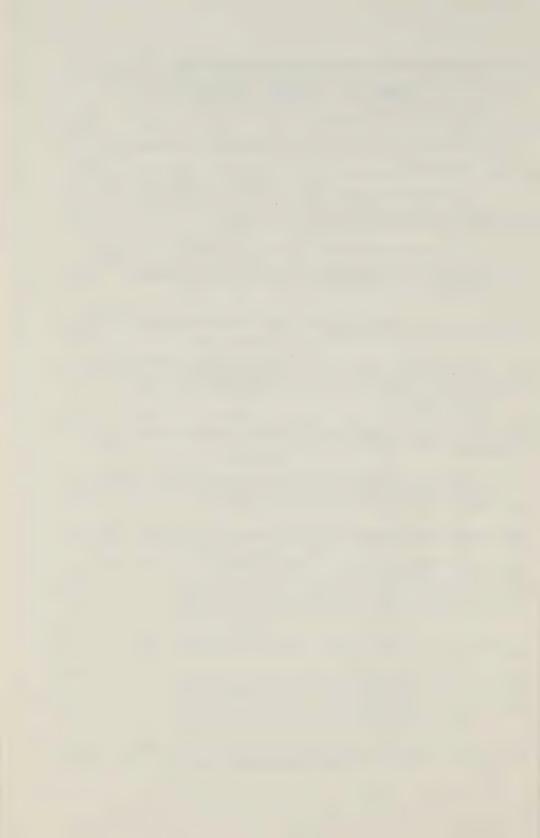
Inspection of drainage works

- (1) The drainage superintendent shall inspect every drainage works for which the municipality is responsible and shall report periodically to council on the condition of the drainage works in the municipality.
- s. 95a, enacted
- 25. The said Act is amended by adding thereto the following section:

Offence

- 95a. Every person who wilfully interferes with or obstructs a drainage superintendent or a commissioner in the exercise of his powers under this Act is guilty of an offence and on summary conviction is liable to a fine of not more than \$1,000.
- s. 96 (1), re-enacted
- **26.**—(1) Subsection 1 of section 96 of the said Act is repealed and the following substituted therefor:

- (1) Subject to subsections 3, 4 and 5, a court of revision shall Court consist of three or five members appointed by the council of the revision initiating municipality and such members other than members of the council may be paid such remuneration and expenses as the council may by by-law provide.
- (2) The said section 96 is amended by adding thereto the following s. 96. subsections:
- (4) A majority of the members of the court of revision shall Quorum constitute and, notwithstanding the decision of any court, shall be deemed always to have constituted a quorum.
- (5) A quorum of the court of revision is sufficient and, not-Jurisdiction withstanding the decision of any court, shall be deemed always to of quorum have been sufficient to exercise all of the jurisdiction and powers of the court of revision.
- **27.** Subsection 11 of section 97 of the said Act is repealed and the s. 97 (11), re-enacted following substituted therefor:
  - (11) The costs chargeable or to be awarded in any proceedings What may include the costs of witnesses and of procuring their attend- chargeable ance, the costs of secretarial staff and such other costs as the Tribunal may direct.
- **28.** Section 100 of the said Act is repealed and the following substituted s. 100, re-enacted therefor:
  - 100. In any application, appeal or reference under sections 8, Decision 10, 48, 49, 50, 54, 64, 65, 66 and 75 the decision of the Tribunal is final.
- 29. This Act comes into force on the day it receives Royal Assent. Commence-ment
- 30. The short title of this Act is The Drainage Amendment Act, 1980. Short title





An Act to amend The Drainage Act, 1975

1st Reading
March 13th, 1980
2nd Reading

3rd Reading

THE HON. LORNE C. HENDERSON Minister of Agriculture and Food

(Government Bill)

## BILL 2

4TH SESSION, 31ST LEGISLATURE, ONTARIO 29 ELIZABETH II, 1980

An Act to amend The Drainage Act, 1975

THE HON. LORNE C. HENDERSON Minister of Agriculture and Food

(Reprinted as amended by the Committee of the Whole House)



#### EXPLANATORY NOTES

Section 1. Clauses b and c of subsection 1 of section 4 of the Act now read as follows:

- 4.—(1) A petition for the drainage by means of a drainage works of an area requiring drainage as described in the petition may be filed with the clerk of the local municipality in which the area is situate by,
  - (b) the owner or owners, as shown by the last revised assessment roll, of lands in the area representing at least 60 per cent of the acreage in the area;
  - (c) where a drainage works is required for a road or part thereof, the engineer or road superintendent appointed under The Public Transportation and Highway Improvement Act and having jurisdiction over such road or part; or

In clause b, "acreage" is changed to "hectarage".

Clause *c* is re-enacted to remove a conflict with subsection 1 of section 65 of the Act and to expand the class of persons who may petition for the drainage of a road to include the person having control of a road in a city, town or village.

Section 2. Clause a of subsection 1 of section 8 of the Act now reads as follows:

- 8.—(1) Where the council of the initiating municipality has decided to proceed with the drainage works described in a petition, the council shall, by by-law or resolution, appoint an engineer to make an examination of the area requiring drainage as described in the petition and to prepare a report which shall include,
  - (a) plans, profiles and specifications of the drainage works.

The clause is expanded to provide that a report shall include a description of the area requiring drainage.

Section 3. Section 29 of the Act now reads as follows:

- 29. The engineer in his report shall estimate and allow in money to the owner of any land that it is necessary to use,
  - (a) for the construction or improvement of a drainage works;
  - (b) for the disposal of material removed from drainage works;
  - (c) as a site for a pumping station to be used in connection with a drainage works; or
  - (d) as a means of access to any such pumping station, if, in the opinion of the engineer, such right of way is sufficient for the purposes of the drainage works,

the value of any such land or the damages, if any, thereto.

The amendment provides that the engineer shall include in his estimates of the cost of a drainage works any allowance made for the use of or damage to land.

Section 4. Section 31 of the Act now reads as follows:

31. Where an existing drain that was not constructed on requisition or petition under this Act or any predecessor of this Act is incorporated in whole or in part in a drainage works, the engineer in his report shall estimate and allow in money to the owner of such drain or part the value to the drainage works of such drain or part.

The section is expanded to provide that the engineer shall include in his estimates of the cost of a drainage works any allowance made for an existing drain that is being incorporated into a drainage works.

#### Section 5. Section 33 of the Act now reads as follows:

33. Where the engineer thinks it expedient to make an allowance for severance to an owner instead of providing for the construction or the replacement, enlargement or other improvement of a bridge, he shall in his report provide for payment to the owner of such amount as appears just by way of allowance for severance.

The word "severance" is struck out where it now occurs and is replaced by the words "loss of access" to remove confusion with the word "severance" used in the sense of subdivision. The section is also expanded to provide that the engineer shall include in his estimates of the cost of a drainage works any allowance made for loss of access.

Section 6. Subsections 1 and 2 of section 41 of the Act provide for giving notice of a meeting to consider a report.

The new subsection provides that a council is not required to send a copy of the engineer's report with the notice to owners who are included in a block assessment.

#### Section 7. Subsection 2 of section 46 of the Act now reads as follows:

(2) The council of the initiating municipality and of every local municipality to whom a copy of the provisional by-law is sent under subsection 1 shall, within thirty days after the adoption of the report, send a copy of the provisional by-law, exclusive of the engineer's report, and a notice of the time and place of the sitting of the court of revision by prepaid mail to each owner entitled to notice under section 41 informing the owner that he may appeal his assessment to the court of revision by a notice given to the clerk of the initiating municipality not later than ten days prior to the first sitting of the court of revision.

The subsection is re-enacted to make it accord with the amendments set out in sections 8, 9, 10 and 11 of the Bill.

### Section 8. Subsection 1 of section 47 of the Act now reads as follows:

(1) Any owner of land or public utility affected by a drainage works, if dissatisfied with the report of the engineer on the grounds that it does not comply with the requirements of this Act, or that the engineer has reported that the drainage works cannot be constructed under section 4, may appeal to the referee and in every case a written notice of appeal shall be served upon the council of the initiating municipality withinforty days after the mailing of the notices under section 41.

The amendment changes the commencement of the time within which an owner may appeal the engineer's report.

SECTION 9. Subsection 1 of section 48 of the Act now reads as follows:

- (1) Any owner of land or any public utility affected by a drainage works, if dissatisfied with the report of the engineer on the grounds that,
  - (a) the benefits to be derived from the drainage works are not commensurate with the estimated cost thereof;
  - (b) the drainage works should be modified on grounds to be stated;
  - (c) the compensation or allowances provided by the engineer are inadequate or excessive;
  - (d) the engineer has reported that the drainage works is not required, or is impractical, or cannot be constructed under section 3,

may appeal to the Tribunal, and in every case a written notice of appeal shall be served within forty days after the mailing of the notice under section 40 or 41.

The subsection is amended to accord with section 8 of the Bill.

SECTION 10. Section 49 of the Act now reads as follows:

49. Where the proposed drainage works is to be undertaken within a watershed in which a conservation authority has jurisdiction, the authority may appeal from the report of the engineer to the Tribunal on the ground that the drainage works will injuriously affect a scheme undertaken by the authority under The Conservation Authorities Act, and in every case a written notice of appeal shall be served withinforty days after the mailing of the notices under section 41.

The section is amended to accord with section 8 of the Bill.

SECTION 11. Subsection 1 of section 50 of the Act now reads as follows:

(1) The council of any local municipality to which a copy of the report was sent under section 41 may, within forty days after the report is sent to the clerk, appeal to the Tribunal from the report by serving the clerk of the initiating municipality and the clerk of every other municipality assessed by the engineer with a written notice of appeal setting forth the reasons for such appeal.

The subsection is re-enacted to accord with section 8 of the Bill.

SECTION 12. Subsection 1 of section 51 of the Act now reads as follows:

(1) On any appeal or reference to the Tribunal under this Act, the Tribunal shall hear and determine the matter and, where not so provided, may make such order and direct such things to be done as are authorized by this Act and as it considers proper to carry out the purposes of this Act.

The underlined word is changed to "or" to clarify that the Drainage Tribunal may deal with matters other than assessment on an appeal from a court of revision.

Section 13. Subsection 5 of section 58 of the Act now reads as follows:

(5) Where the council does not proceed with reasonable dispatch with the construction of the work after passage of the by-law, a petitioner may appeal to the Tribunal or, where lands used for agricultural purposes are included in the area to be drained, the Minister may refer the matter to the Tribunal, and the Tribunal may direct the council to take such action as the council is authorized to take under this Act and as the Tribunal considers proper.

The amendment corrects an omission in the Act when it was enacted in 1975.

Section 14. Section 60 of the Act now reads as follows:

60. The council of each local municipality to which a copy of the report is required to be sent under subsection 1 of section 41 shall raise and pay over to the treasurer of the initiating municipality its proportion of the cost of the construction of the drainage works within a reasonable time after the drainage works has been certified complete by the engineer or drainage suberintendent.

The underlined words are struck out and replaced by the words "sixty days" to establish a definite time in which a local municipality shall pay its proportion of the costs of a drainage works.

SECTION 15. Subsection 1 of section 61 of the Act now reads as follows:

(1) The council of each local municipality that is required to raise the whole or any part of the cost of the construction of the drainage works shall, forthwith after the time for appealing has expired and there are no appeals or after all appeals have been decided, by by-law impose upon the land assessed for the construction of the drainage works the assessment with which it is chargeable, and the amount so imposed is payable in such instalments as the council may prescribe.

The subsection is re-enacted to delete the requirement that the time for appeals must have expired or all appeals must have been decided before a municipality imposes assessments.

Section 16. Subsection 5 of section 65 of the Act now reads as follows:

(5) Any such owner who is dissatisfied with such apportionment and who is assessed for a sum greater than \$200 may appeal to the Tribunal within forty days after the date a copy of the apportionment is sent to him by the clerk.

The amendment provides that an owner may appeal to the Drainage Tribunal where he is assessed for a sum greater than \$500.

Section 17.—Subsection 1. Subsection 1 of section 66 of the Act now reads as follows:

(1) Where an owner of land that is not assessed for a drainage works subsequently connects the land with the drainage works for the purpose of drainage or where the nature or extent of the use of a drainage works by land assessed for the drainage works is subsequently altered, an engineer appointed by the initiating municipality for the purpose shall make a report and assess the land for a just proportion of the drainage works. Tregard being had to any compensation paid to the owner of such land in respect of the drainage works, but no person shall connect such land to the drainage works without the approval of the council of the municipality.

The underlined words are struck out and replaced by the words "an inspection".

The amendment will permit an engineer to assess land without making a full report.

Subsection 2. The new subsection provides for an appeal to the Drainage Tribunal in the circumstances set out.

SECTION 18. Section 68 of the Act now reads as follows:

68. Where compensation or allowance has been paid to the owner of any land under section 32 or 33, the clerk of the local municipality shall cause to be registered in the proper land registry office a copy of the by-law adopting the report together with a statement of the amount paid and a description of the land in respect of which the amount was paid in the Form prescribed in the regulations.

The section is re-enacted to exclude plans, profiles and specifications of a drainage works from the material required to be registered in a land registry office.

Section 19. Subsection 3 of section 75 of the Act now reads as follows:

(3) The council of any municipality shall not be required to assess and levy the amount charged for maintenance or repair of a drainage works more than once in every five years if the total expense incurred does not exceed the sum of \$1,000, in which case sections 64 and 65 of The Ontario Municipal Board Act do not apply.

The maximum amount that may be assessed and levied for maintenance and repair of a drainage works without approval of The Ontario Municipal Board is increased from \$1,000 to \$5,000.

Section 20. Subsection 2 of section 76 of the Act now reads as follows:

(2) The proceedings upon such report shall be the same, as nearly as may be, as upon the report for the construction of the drainage works.

"Appeals" are excluded from the operation of the subsection.

SECTION 21. The new subsection permits an engineer to give a written opinion instead of a report if a drain is relocated entirely within the right of way of a road.

Section 22. Subsection 4 of section 78 of the Act now reads as follows:

(4) All proceedings, including appeals, with respect to a report under subsection 1 and the assessments therein shall be the same as on a report for the construction of a drainage works and the assessments therein.

The subsection is re-enacted to clarify that all proceedings under section 78 of the Act shall be the same as on a report for the construction of a drainage works.

Section 23.—Subsection 1. Subsection 1 of section 79 of the Act now reads as follows:

(1) Upon thirty days notice in writing served by any person whose property is injuriously affected by the condition of a drainage works, upon the head or clerk of the local municipality whose duty it is to maintain and repair the drainage works, the municipality is compellable by an order of the referee to exercise the powers and to perform the duties conferred or imposed upon it by this Act as to maintenance and repair or such of the powers and duties as to the referee appears proper, and the municipality is liable in damages to the owner whose property is so injuriously affected.

The amendment expands the time for repairing a drain after notice and clarifies the intent that the injury suffered is not restricted to land.

Subsection 2. Subsection 2 of section 79 of the Act now reads as follows:

(2) Notwithstanding subsection 1, the local municipality whose duty it is to maintain and repair drainage works shall not become liable in damages to any person whose property is injuriously affected by reason of the non-repair of the drainage works until after service by or on behalf of such person of the notice referred to in subsection 1 upon the head or clerk of the municipality, describing with reasonable certainty the alleged lack of maintenance and repair of the drainage works.

The underlined words are struck out to make the subsection accord with the amendment in subsection 1 of this section of the Bill.

SECTION 24. Subsection 1 of section 94 of the Act now reads as follows:

(1) The drainage superintendent shall inspect every drainage works for which the municipality is responsible at intervals of not less than three years, and shall periodically report to council on the condition of the drainage works in the municipality.

The underlined words are struck out to remove the time limits within which drains are to be inspected by the drainage superintendent.

Section 25. The new section makes it an offence to interfere with or hinder the drainage superintendent or a commissioner in the exercise of his powers and provides a penalty therefor.

Section 26.—Subsection 1. Subsection 1 of section 96 of the Act now reads as follows:

(1) Subject to subsection 3, a court of revision shall consist of three or five members appointed by the council of the initiating municipality and such members other than members of the council may be paid such remuneration and expenses as the council may by by-law provide.

The re-enactment of the subsection is complementary to subsection 2 of this section of the Bill

Subsection 2. The new subsections clarify that a majority of the members of a court of revision shall constitute a quorum and that a quorum is sufficient to exercise all the jurisdiction and powers of the court.

A similar amendment was made to The Local Improvement Act in 1979.

SECTION 27. Subsection 11 of section 97 of the Act now reads as follows:

(11) The costs chargeable or to be awarded in any proceedings may include the costs of witnesses and of procuring their attendance, the costs of secretarial staff and such other costs as the Tribunal may direct, and may be taxed according to the allowance in a small claims court for such costs.

and, in cases where execution issues, the costs thereof as in the like court, and of enforcing the execution, may also be collected thereunder.

The underlined words are struck out. The limitation on costs to those allowed in a small claims court is removed.

SECTION 28. Section 100 of the Act now reads as follows:

100. In any application, appeal or reference under sections 8, 10, 48, 49, 50, 54, 64, 65 and 75 the decision of the Tribunal is final.

The application of the section is expanded to include section 66 of the Act.

# An Act to amend The Drainage Act, 1975

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- **1.** Clauses b and c of subsection 1 of section 4 of *The Drainage Act*, s. 4 (1) (b, c), 1975, being chapter 79, are repealed and the following substituted therefor:
  - (b) the owner or owners, as shown by the last revised assessment roll, of lands in the area representing at least 60 per cent of the hectarage in the area;
  - (c) where a drainage works is required for a road or part thereof, the engineer, road superintendent or person having jurisdiction over such road or part, notwithstanding subsection 5 of section 61; or
- **2.** Clause a of subsection 1 of section 8 of the said Act is repealed and so  $\frac{s. 8 (1) (a)}{re-enacted}$  the following substituted therefor:
  - (a) plans, profiles and specifications of the drainage works, including a description of the area requiring drainage.
- 3. Section 29 of the said Act is amended by adding at the end thereof s. 29, "amended "and shall include such sums in his estimates of the cost of the construction, improvement, repair or maintenance of the drainage works".
- **4.** Section 31 of the said Act is repealed and the following substituted s. 31, therefor:
  - 31. Where an existing drain that was not constructed on Allowance requisition or petition under this Act or any predecessor of this Act drains is incorporated in whole or in part in a drainage works, the engineer in his report shall estimate and allow in money to the owner of such drain or part the value to the drainage works of such drain or part and shall include such sum in his estimates of the cost

of the construction, improvement, repair or maintenance of the drainage works.

s. 33, re-enacted **5.** Section 33 of the said Act is repealed and the following substituted therefor:

Allowance for loss of access 33. Where the engineer thinks it expedient to make an allowance for loss of access to an owner instead of providing for the construction or the replacement, enlargement or other improvement of a bridge, he shall in his report provide for payment to the owner of such amount as appears just by way of allowance for loss of access and shall include such sums in his estimates of the cost of the construction, improvement, repair or maintenance of the drainage works.

s. 41, amended **6.** Section 41 of the said Act is amended by adding thereto the following subsection:

Copy of report not required (2a) Notwithstanding subsections 1 and 2, where a block assessment is made, the notice to the owners of the lands so assessed need not be accompanied by a copy of the report.

s. 46 (2), re-enacted **7.** Subsection 2 of section 46 of the said Act is repealed and the following substituted therefor:

Idem

(2) The council of the initiating municipality and of every local municipality to whom a copy of the provisional by-law is sent under subsection 1 shall, within thirty days after the adoption of the report, send a copy of the provisional by-law, exclusive of the engineer's report, and a notice of the time and place of the sitting of the court of revision by prepaid mail to each person or body entitled to notice under section 41 and the notice shall inform each owner that he may appeal his assessment to the court of revision by a notice given to the clerk of the initiating municipality not later than ten days prior to the first sitting of the court of revision.

s. 47 (1), amended **8.** Subsection 1 of section 47 of the said Act is amended by striking out "section 41" in the ninth line and inserting in lieu thereof "section 40 or subsection 2 of section 46, as the case may be".

s. 48 (1), amended **9.** Subsection 1 of section 48 of the said Act is amended by striking out "41" in the sixteenth line and inserting in lieu thereof "subsection 2 of section 46, as the case may be".

s. 49, amended **10.** Section 49 of the said Act is amended by striking out "section 41" in the ninth line and inserting in lieu thereof "subsection 2 of section 46".

s. 50 (1), re-enacted **11.** Subsection 1 of section 50 of the said Act is repealed and the following substituted therefor:

(1) The council of any local municipality to which a copy of a Appeal by provisional by-law was sent under subsection 1 of section 46 may, within forty days after the copy of the provisional by-law was sent to the clerk, appeal to the Tribunal from the report by serving the clerk of the initiating municipality and the clerk of every other municipality assessed by the engineer with a written notice of appeal setting forth the reasons for such appeal.

- 12. Subsection 1 of section 51 of the said Act is amended by striking out s. 51 (1), "and" in the fifth line and inserting in lieu thereof "or".
- 13. Subsection 5 of section 58 of the said Act is amended by inserting 8. 58 (5), after "a" in the third line "requisitioner or a".
- 14. Section 60 of the said Act is amended by striking out "a reasonable s. 60, time" in the fifth line and inserting in lieu thereof "sixty days".
- 15. Subsection 1 of section 61 of the said Act is repealed and the 8.61(1). following substituted therefor:
  - (1) The council of each local municipality that is required to Imposition raise the whole or any part of the cost of the drainage works shall assessment by by-law impose upon the land assessed for the drainage works the assessment with which it is chargeable, and the amount so imposed is payable in such instalments as the council may prescribe.

- 16. Subsection 5 of section 65 of the said Act is amended by striking out s. 65 (5), "\$200" in the second line and inserting in lieu thereof "\$500".
- 17.—(1) Subsection 1 of section 66 of the said Act is amended by s. 66 (1), striking out "a report" in the seventh line and inserting in lieu thereof "an inspection".
  - (2) The said section 66 is amended by adding thereto the following s. 66, subsection:
  - (1a) The clerk of the initiating municipality shall forthwith Notice of send a copy of the assessment to the owners of land assessed under subsection 1, and any owner who is so assessed for a sum greater than \$500 and is dissatisfied with the assessment may appeal to the Tribunal within forty days after the date the notice is sent to him by the clerk.
- **18.** Section 68 of the said Act is repealed and the following substituted s. 68. re-enacted therefor:
  - 68. Where compensation has been paid to the owner of any Registration land under section 32 or 33, the clerk of the local municipality shall cause to be registered in the proper land registry office a copy of the by-law adopting the report, exclusive of the plans, profiles and

specifications of the drainage works, together with a statement of the amount paid and a description of the land in respect of which the amount was paid in the Form prescribed in the regulations.

- s. 75 (3), amended
- **19.** Subsection 3 of section 75 of the said Act is amended by striking out "\$1,000" in the fifth line and inserting in lieu thereof "\$5,000".
- s. 76 (2), re-enacted
- **20.** Subsection 2 of section 76 of the said Act is repealed and the following substituted therefor:

Proceedings on report of engineer (2) The proceedings upon such report, excepting appeals, shall be the same, as nearly as may be, as upon the report for the construction of the drainage works.

s. 77, amended Section 77 of the said Act is amended by adding thereto the following subsection:

Written opinion in lieu of report (3) Where the relocation of a drainage works or part thereof referred to in subsection 2 is to be effected within the lands under the jurisdiction of the road authority, the engineer may prepare a written opinion instead of a report.

s. 78 (4), re-enacted **22.** Subsection 4 of section 78 of the said Act is repealed and the following substituted therefor:

Proceedings

(4) All proceedings, including appeals, under this section shall be the same as on a report for the construction of a drainage works.

s. 79 (1), amended **23.**—(1) Subsection 1 of section 79 of the said Act is amended by striking out "thirty" in the first line and inserting in lieu thereof "forty-five" and by striking out "whose property is injuriously" in the second line.

s. 79 (2), amended (2) Subsection 2 of the said section 79 is amended by striking out "whose property is injuriously" in the third and fourth lines.

s. 94 (1), re-enacted **24.** Subsection 1 of section 94 of the said Act is repealed and the following substituted therefor:

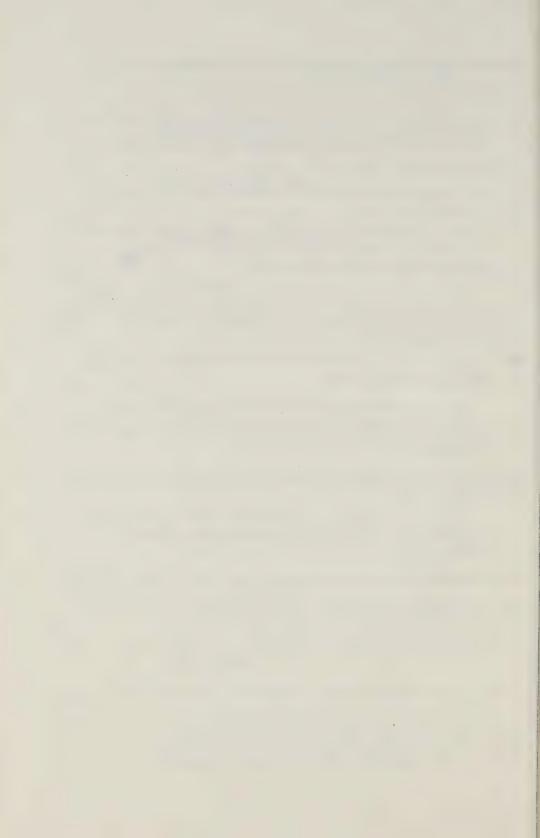
Inspection of drainage works (1) The drainage superintendent shall inspect every drainage works for which the municipality is responsible and shall report periodically to council on the condition of the drainage works in the municipality.

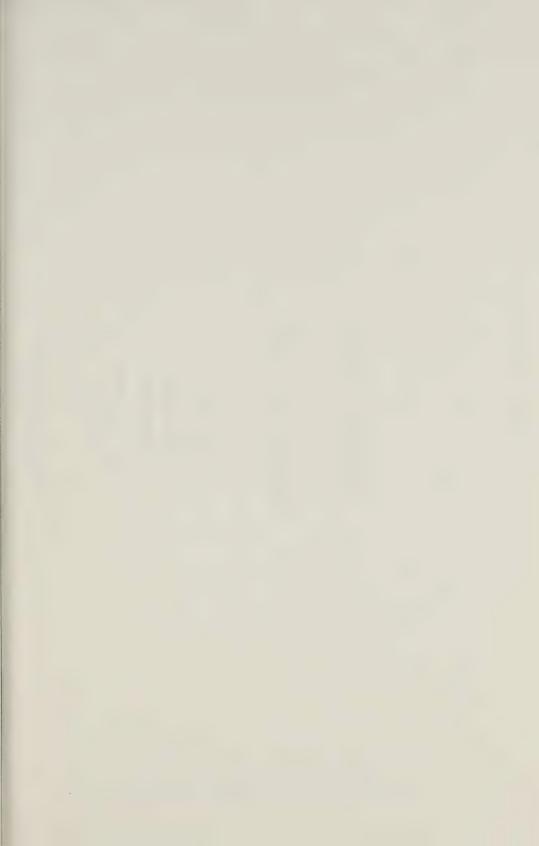
s. 95a, enacted **25.** The said Act is amended by adding thereto the following section:

Offence

95a. Every person who wilfully interferes with or obstructs a drainage superintendent or a commissioner in the exercise of his powers under this Act is guilty of an offence and on summary conviction is liable to a fine of not more than \$1,000.

- **26.**—(1) Subsection 1 of section 96 of the said Act is repealed and the s. 96 (1), re-enacted following substituted therefor:
  - (1) Subject to subsections 3, 4 and 5, a court of revision shall Court consist of three or five members appointed by the council of the revision initiating municipality and such members other than members of the council may be paid such remuneration and expenses as the council may by by-law provide.
  - (2) The said section 96 is amended by adding thereto the following subsections:
  - (4) A majority of the members of the court of revision shall Quorum constitute and, notwithstanding the decision of any court, shall be deemed always to have constituted a quorum.
  - (5) A quorum of the court of revision is sufficient and, not-Jurisdiction and powers withstanding the decision of any court, shall be deemed always to of quorum have been sufficient to exercise all of the jurisdiction and powers of the court of revision.
- **27.** Subsection 11 of section 97 of the said Act is repealed and the s. 97 (11), re-enacted following substituted therefor:
  - (11) The costs chargeable or to be awarded in any proceedings What may include the costs of witnesses and of procuring their attend- chargeable ance, the costs of secretarial staff and such other costs as the Tribunal may direct.
- **28.** Section 100 of the said Act is repealed and the following substituted s. 100, therefor:
  - 100. In any application, appeal or reference under sections 8, Decision 10, 48, 49, 50, 54, 64, 65, 66 and 75 the decision of the Tribunal is final.
- 29. This Act comes into force on the day it receives Royal Assent. Commencement
- 30. The short title of this Act is The Drainage Amendment Act, 1980. Short title





# An Act to amend The Drainage Act, 1975

1st Reading March 13th, 1980

2nd Reading April 15th, 1980

3rd Reading

THE HON. LORNE C. HENDERSON Minister of Agriculture and Food

(Reprinted as amended by the Committee of the Whole House)

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4TH SESSION, 31ST LEGISLATURE, ONTARIO
29 ELIZABETH II, 1980

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An Act to amend The Drainage Act, 1975

THE HON. LORNE C. HENDERSON Minister of Agriculture and Food



BILL 2 1980

## An Act to amend The Drainage Act, 1975

TER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- **1.** Clauses b and c of subsection 1 of section 4 of The Drainage Act, s. 4 (1) (b, c). 1975, being chapter 79, are repealed and the following substituted therefor:
  - (b) the owner or owners, as shown by the last revised assessment roll, of lands in the area representing at least 60 per cent of the hectarage in the area;
  - (c) where a drainage works is required for a road or part thereof, the engineer, road superintendent or person having jurisdiction over such road or part, notwithstanding subsection 5 of section 61; or
- **2.** Clause a of subsection 1 of section 8 of the said Act is repealed and s. 8 (1) (a). the following substituted therefor:
  - (a) plans, profiles and specifications of the drainage works, including a description of the area requiring drainage.
- 3. Section 29 of the said Act is amended by adding at the end thereof 8. 29. "and shall include such sums in his estimates of the cost of the construction, improvement, repair or maintenance of the drainage works".
- 4. Section 31 of the said Act is repealed and the following substituted 8. 31. therefor:
  - 31. Where an existing drain that was not constructed on Allowance requisition or petition under this Act or any predecessor of this Act drains is incorporated in whole or in part in a drainage works, the engineer in his report shall estimate and allow in money to the owner of such drain or part the value to the drainage works of such drain or part and shall include such sum in his estimates of the cost

of the construction, improvement, repair or maintenance of the drainage works.

s. 33, re-enacted **5.** Section 33 of the said Act is repealed and the following substituted therefor:

Allowance for loss of access 33. Where the engineer thinks it expedient to make an allowance for loss of access to an owner instead of providing for the construction or the replacement, enlargement or other improvement of a bridge, he shall in his report provide for payment to the owner of such amount as appears just by way of allowance for loss of access and shall include such sums in his estimates of the cost of the construction, improvement, repair or maintenance of the drainage works.

s. 41, amended **6.** Section 41 of the said Act is amended by adding thereto the following subsection:

Copy of report not required (2a) Notwithstanding subsections 1 and 2, where a block assessment is made, the notice to the owners of the lands so assessed need not be accompanied by a copy of the report.

s. 46 (2), re-enacted **7.** Subsection 2 of section 46 of the said Act is repealed and the following substituted therefor:

Idem

(2) The council of the initiating municipality and of every local municipality to whom a copy of the provisional by-law is sent under subsection 1 shall, within thirty days after the adoption of the report, send a copy of the provisional by-law, exclusive of the engineer's report, and a notice of the time and place of the sitting of the court of revision by prepaid mail to each person or body entitled to notice under section 41 and the notice shall inform each owner that he may appeal his assessment to the court of revision by a notice given to the clerk of the initiating municipality not later than ten days prior to the first sitting of the court of revision.

s. 47 (1), amended **8.** Subsection 1 of section 47 of the said Act is amended by striking out "section 41" in the ninth line and inserting in lieu thereof "section 40 or subsection 2 of section 46, as the case may be".

s. 48 (1), amended **9.** Subsection 1 of section 48 of the said Act is amended by striking out "41" in the sixteenth line and inserting in lieu thereof "subsection 2 of section 46, as the case may be".

s. 49, amended **10.** Section 49 of the said Act is amended by striking out "section 41" in the ninth line and inserting in lieu thereof "subsection 2 of section 46".

s. 50 (1), re-enacted **11.** Subsection 1 of section 50 of the said Act is repealed and the following substituted therefor:

(1) The council of any local municipality to which a copy of a Appeal by provisional by-law was sent under subsection 1 of section 46 may, within forty days after the copy of the provisional by-law was sent to the clerk, appeal to the Tribunal from the report by serving the clerk of the initiating municipality and the clerk of every other municipality assessed by the engineer with a written notice of appeal setting forth the reasons for such appeal.

- 12. Subsection 1 of section 51 of the said Act is amended by striking out 8.51 (1). "and" in the fifth line and inserting in lieu thereof "or".
- 13. Subsection 5 of section 58 of the said Act is amended by inserting 8. 58 (5). after "a" in the third line "requisitioner or a".
- 14. Section 60 of the said Act is amended by striking out "a reasonable s. 60. time" in the fifth line and inserting in lieu thereof "sixty days".
- 15. Subsection 1 of section 61 of the said Act is repealed and the s. 61 (1). following substituted therefor:
  - (1) The council of each local municipality that is required to Imposition raise the whole or any part of the cost of the drainage works shall assessment by by-law impose upon the land assessed for the drainage works the assessment with which it is chargeable, and the amount so imposed is payable in such instalments as the council may prescribe.

- **16.** Subsection 5 of section 65 of the said Act is amended by striking out s. 65 (5). "\$200" in the second line and inserting in lieu thereof "\$500".
- **17.**—(1) Subsection 1 of section 66 of the said Act is amended by s. 66 (1), striking out "a report" in the seventh line and inserting in lieu thereof "an inspection".
  - (2) The said section 66 is amended by adding thereto the following s. 66. subsection:
  - (1a) The clerk of the initiating municipality shall forthwith Notice of send a copy of the assessment to the owners of land assessed under subsection 1, and any owner who is so assessed for a sum greater than \$500 and is dissatisfied with the assessment may appeal to the Tribunal within forty days after the date the notice is sent to him by the clerk.
- **18.** Section 68 of the said Act is repealed and the following substituted s. 68. re-enacted therefor:
  - 68. Where compensation has been paid to the owner of any Registration land under section 32 or 33, the clerk of the local municipality shall cause to be registered in the proper land registry office a copy of the by-law adopting the report, exclusive of the plans, profiles and

specifications of the drainage works, together with a statement of the amount paid and a description of the land in respect of which the amount was paid in the Form prescribed in the regulations.

- s. 75 (3). amended
- **19.** Subsection 3 of section 75 of the said Act is amended by striking out "\$1,000" in the fifth line and inserting in lieu thereof "\$5,000".
- s. 76 (2), re-enacted
- **20.** Subsection 2 of section 76 of the said Act is repealed and the following substituted therefor:

Proceedings on report of engineer (2) The proceedings upon such report, excepting appeals, shall be the same, as nearly as may be, as upon the report for the construction of the drainage works.

s. 77, amended **21.** Section 77 of the said Act is amended by adding thereto the following subsection:

Written opinion in lieu of report (3) Where the relocation of a drainage works or part thereof referred to in subsection 2 is to be effected within the lands under the jurisdiction of the road authority, the engineer may prepare a written opinion instead of a report.

s. 78 (4), re-enacted **22.** Subsection 4 of section 78 of the said Act is repealed and the following substituted therefor:

Proceedings

(4) All proceedings, including appeals, under this section shall be the same as on a report for the construction of a drainage works.

s. 79 (1), amended **23.**—(1) Subsection 1 of section 79 of the said Act is amended by striking out "thirty" in the first line and inserting in lieu thereof "forty-five" and by striking out "whose property is injuriously" in the second line.

s. 79 (2), amended

(2) Subsection 2 of the said section 79 is amended by striking out "whose property is injuriously" in the third and fourth lines.

s. 94 (1), re-enacted **24.** Subsection 1 of section 94 of the said Act is repealed and the following substituted therefor:

Inspection of drainage works (1) The drainage superintendent shall inspect every drainage works for which the municipality is responsible and shall report periodically to council on the condition of the drainage works in the municipality.

s. 95a, enacted **25.** The said Act is amended by adding thereto the following section:

Offence

95a. Every person who wilfully interferes with or obstructs a drainage superintendent or a commissioner in the exercise of his powers under this Act is guilty of an offence and on summary conviction is liable to a fine of not more than \$1,000.

- **26.**—(1) Subsection 1 of section 96 of the said Act is repealed and the section 1 of section 96 of the said Act is repealed and the re-enacted following substituted therefor:
  - (1) Subject to subsections 3, 4 and 5, a court of revision shall Court consist of three or five members appointed by the council of the revision initiating municipality and such members other than members of the council may be paid such remuneration and expenses as the council may by by-law provide.
  - (2) The said section 96 is amended by adding thereto the following subsections:
  - (4) A majority of the members of the court of revision shall Quorum constitute and, notwithstanding the decision of any court, shall be deemed always to have constituted a quorum.
  - (5) A quorum of the court of revision is sufficient and, not-Jurisdiction withstanding the decision of any court, shall be deemed always to and powers have been sufficient to exercise all of the jurisdiction and powers of the court of revision.
- **27.** Subsection 11 of section 97 of the said Act is repealed and the s. 97 (11), following substituted therefor:
  - (11) The costs chargeable or to be awarded in any proceedings What may include the costs of witnesses and of procuring their attend- chargeable ance, the costs of secretarial staff and such other costs as the Tribunal may direct.
- **28.** Section 100 of the said Act is repealed and the following substituted s. 100, therefor:
  - 100. In any application, appeal or reference under sections 8,  $\frac{Decision}{final}$  10, 48, 49, 50, 54, 64, 65, 66 and 75 the decision of the Tribunal is final.
- 29. This Act comes into force on the day it receives Royal Assent. Commence-
- 30. The short title of this Act is The Drainage Amendment Act, 1980. Short title

# An Act to amend The Drainage Act, 1975

1st Reading March 13th, 1980

2nd Reading April 15th, 1980

3rd Reading
April 22nd, 1980

THE HON. LORNE C. HENDERSON Minister of Agriculture and Food

4TH SESSION, 31ST LEGISLATURE, ONTARIO
29 ELIZABETH II, 1980 The Grande

An Act to amend The Employment Standards Act, 1974

MR. BOUNSALL



(Reprinted as amended by the General Government Committee)

#### EXPLANATORY NOTE

The purpose of the Bill is to require an employer to pay the employer's employees an equal amount for work of equal value. An assessment of the value of work may be made by an employment standards officer. Differentials in pay are permitted but no differential may be based on the sex of the employee.

BILL 3 1980

# An Act to amend The Employment Standards Act, 1974

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 33 of *The Employment Standards Act*, 1974, being s.33, chapter 112, is repealed and the following substituted therefor:

### PART IX

## EQUAL PAY FOR WORK OF EQUAL VALUE

33.—(1) No employer or person acting on behalf of an Equal pay employer shall establish or maintain any difference in wages of equal paid to a male and to a female employee employed in the value same establishment who are performing work of equal value unless the difference is based on seniority or quantity of production.

(2) An employment standards officer may assess the Determination value of work performed for the purposes of subsection 1 standards and, where the officer finds that an employer has failed to officer comply with subsection 1, the officer may determine the amount of moneys owing to an employee because of such non-compliance, and such amount shall be deemed to be unpaid wages.

(3) In assessing the value of work performed by em-Assessment of ployees employed in the same establishment, the criterion to be applied is the composite of the skill, effort and responsibility required in the performance of the work and the conditions under which the work is performed.

(3a) Notwithstanding subsection 1, an employer may establish Guidelines and maintain a difference in wages paid to a male and to a female employee employed in the same establishment if the difference is based on a factor that is considered to be a reasonable factor that justifies the difference and that is contained in guidelines

approved by a committee of the Legislative Assembly and a committee, established by resolution of the Assembly, may make such guidelines and the Director shall publish the guidelines and issue them to the public, and, for greater certainty, sex does not constitute a reasonable factor justifying a difference in wages.

Separate establishments

(3b) Separate establishments established or maintained by an employer solely or principally for the purpose of establishing or maintaining differences in wages between male and female employees shall be deemed for the purposes of this Part to be a single establishment.

Pay not to be reduced (4) No employer shall reduce the rate of pay of an employee in order to comply with subsection 1.

Employer not to be requested to contravene subs. 1 (5) No organization of employers or employees or its agents shall cause or attempt to cause an employer to agree to or to pay to his employees wages that are in contravention of subsection 1.

Complaints

(6) A complaint that an employer contravenes this section may be made by one employee or any class of employees employed in the same establishment.

Review and hearing (7) An employer, employee or class of employees who is aggrieved by a decision or order made by an employment standards officer under this Part or section 47 may, within a period of fifteen days after the date of delivery, service or notice of the decision or order, or such longer period as the Director may for special reasons allow, apply for a review of the decision or order by way of a hearing before a referee and subsections 2 to 7 of section 50 apply to the review with necessary modifications except that the referee may make an order referred to in section 47 in addition to the powers conferred upon the referee by section 50.

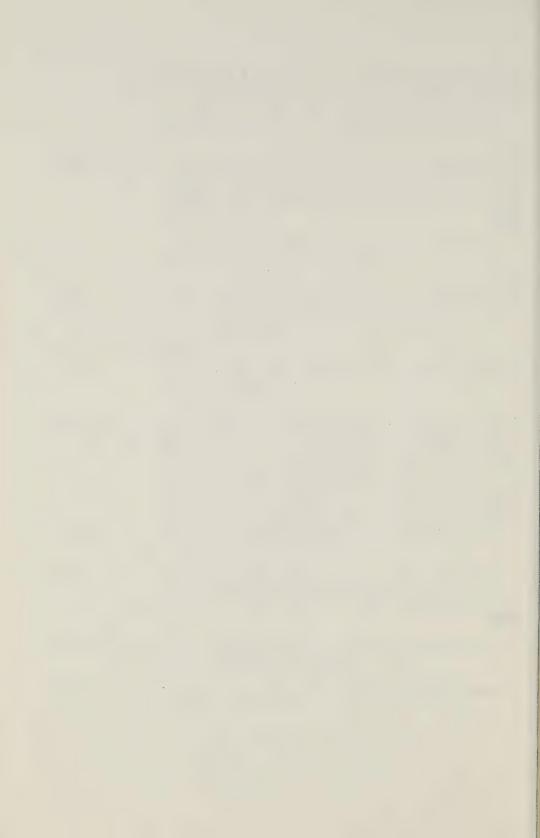
Annual report (8) The Minister shall table a report annually in the Legislature on the progress of implementation and these reports shall be referred to a standing or special committee of the Legislature every three years.

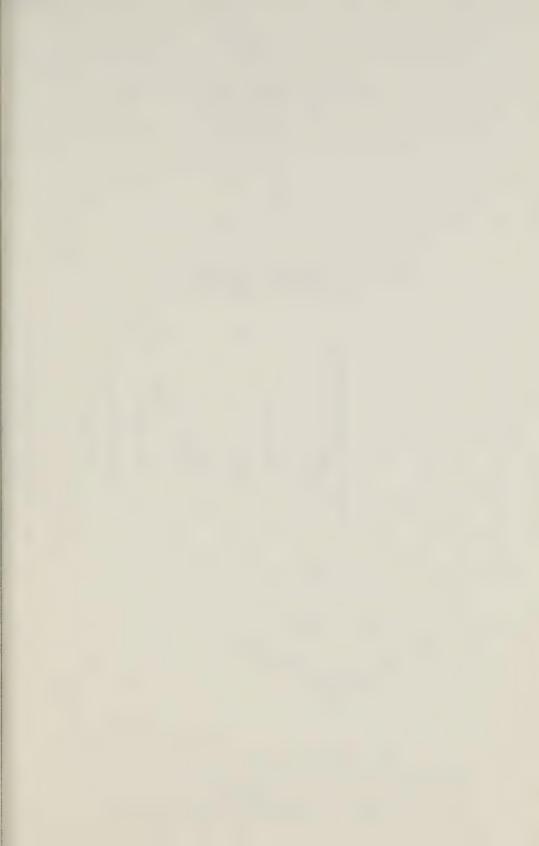
Commencement 2. This Act comes into force on a day to be named by proclamation of the Lieutenant Governor.

Short title

3. The short title of this Act is The Employment Standards Amendment Act, 1980.







1st Reading
March 11th, 1980

2nd Reading
March 11th, 1980
3rd Reading

Mr. Bounsall

(Reprinted as amended by the General Government Committee)

Government

5/2

4TH SESSION, 31ST LEGISLATURE, ONTARIO 29 ELIZABETH II, 1980

An Act to regulate the Granting of Degrees

THE HON. B. STEPHENSON Minister of Education and Minister of Colleges and Universities



## EXPLANATORY NOTE

The Bill provides for the regulation of degree granting institutions from other jurisdictions that wish to operate in Ontario. It also requires that future Ontario universities and degree granting institutions only be incorporated by a special Act of the Assembly and controls the use of the word "university" or any derivation or abbreviation thereof.

BILL 4 1980

## An Act to regulate the Granting of Degrees

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Interpre-

- (a) "Minister" means the Minister of Education;
- (b) "person" includes an association of persons, a partnership or a corporation;
- (c) "regulations" means the regulations made under this Act.
- 2. No person shall directly or indirectly,

Authority to grant degrees,

- (a) grant degrees;
- (b) provide a program of post-secondary study leading to a degree to be conferred by a person in or outside Ontario;
- (c) advertise a program of post-secondary study offered in or outside Ontario leading to a degree to be conferred by a person in or outside Ontario; or
- (d) sell, offer for sale, or provide by agreement for a fee, reward or other remuneration, a diploma, certificate, document or other material that is, or indicates or implies the granting or conferring of, a degree,

unless the person,

- (e) is by a special Act of the Assembly granted the authority to grant degrees;
- (f) on the day this Act comes into force, is a person who has by a special Act of the Assembly been granted the

- authority to grant degrees or whose authority to grant degrees has by a special Act of the Assembly been confirmed;
- (g) is a degree-granting institution established in Canada and listed in the Schedule; or
- (h) is a degree-granting institution established outside Canada and has the written consent of the Minister.

Authority to establish a university, etc.

- 3. No person shall directly or indirectly,
  - (a) operate or maintain a university;
  - (b) use or be known by a name of a university or any derivation or abbreviation thereof;
  - (c) hold himself out to be a university;
  - (d) make use of, in any advertising relating to an educational institution, the word university or any derivation or abbreviation thereof,

## unless the person,

- (e) is by a special Act of the Assembly incorporated as a university;
- (f) on the day this Act comes into force, is a person who has by a special Act of the Assembly been incorporated as a university or has by a special Act of the Assembly been confirmed as a university;
- (g) is a university established in Canada and listed in the Schedule; or
- (h) is a university established outside Canada and has the written consent of the Minister.

Amendments to Schedule **4.** The Lieutenant Governor in Council may, by order, amend the Schedule by adding thereto a degree-granting institution established in Canada or university established in Canada.

Consent of Minister

- 5.—(1) The Minister may give a written consent to,
  - (a) a degree-granting institution established outside Canada to enable it to do any one or more of the things mentioned in clauses a to d of section 2; or

- (b) a university established outside Canada to enable it to do any one or more of the things mentioned in clauses a to d of section 3
- (2) The Minister may attach such terms and conditions to a Terms and consent given under subsection 1 as the Minister considers proper of consent to give effect to the intent of this Act.

6.—(1) Where the Minister has reasonable and probable Inspection grounds to believe that a person has contravened any of the provisions of this Act or the regulations, an inspector designated by the Minister in writing may at any reasonable time enter upon the business premises of such person, to make an inspection for the purpose of determining whether or not the person is in contravention of this Act or the regulations.

(2) Upon an inspection under subsection 1, the inspector,

Powers inspection

- (a) is entitled to free access to all books of account, cash, documents, bank accounts, vouchers, correspondence and records of the person being inspected that are relevant for the purposes of the inspection; and
- (b) may, upon giving a receipt therefor, remove any material referred to in clause a that relates to the purpose of the inspection for the purpose of making a copy thereof in which case the inspector shall make a copy with dispatch and return the material promptly thereafter to the person being inspected,

and no person shall obstruct the inspector in his inspection, withhold or destroy, conceal or refuse to furnish any information or thing required by the inspector for the purposes of the inspection.

(3) A copy made as provided in subsection 2 and purporting to Admissibility be certified by an inspector is admissible in evidence in any action, of proceeding or prosecution as *prima facie* proof of the original.

## 7.—(1) Every person who,

Offence

- (a) knowingly furnishes false information in any application under this Act or the regulations or in any statement or return required to be furnished under this Act or the regulations; or
- (b) contravenes any provision of this Act or the regulations,

and every director or officer of a corporation who knowingly concurs in such furnishing of false information or contravention by the corporation is guilty of an offence and on conviction is liable to a fine of not more than \$2,000 or to imprisonment for a term of not more than one year, or to both.

Idem

(2) Where the person convicted of an offence under subsection 1 is a corporation, the maximum penalty that may be imposed upon the corporation is \$25,000 and not as provided therein.

Certificate of Minister as evidence

- 8. A written statement as to,
  - (a) the consent or non-consent given to any person by the Minister; or
  - (b) any other matter pertaining to such consent or non-consent,

purported to be certified by the Minister, is, without proof of the office or signature of the Minister, receivable in evidence as *prima facie* proof of the facts stated therein for all purposes in any action, proceeding or prosecution.

Regulations

- 9.—(1) The Lieutenant Governor in Council may make regulations.
  - (a) governing applications for consent to engage or perform any act referred to in section 2 or 3;
  - (b) providing for the expiration and renewal of consents;
  - (c) prescribing information that must be contained in an application or form and requiring any such information to be verified by affidavit;
  - (d) prescribing the terms and conditions upon which a consent of the Minister may be granted under this Act;
  - (e) exempting any person or class of persons from any requirement of this Act or the regulations;
  - (f) prescribing forms and providing for their use.

Adoption by reference

(2) A regulation may adopt by reference, in whole or in part, with such changes as the Lieutenant Governor in Council considers necessary, any publication and may require compliance with any standards, requirements or procedures prescribed in a publication that is so adopted.

Commence-

10. This Act comes into force on a day to be named by proclamation of the Lieutenant Governor.

## 11. The short title of this Act is The Degree Granting Act, Short title 1980.

## **SCHEDULE**

Acadia University

The University of Alberta

Athabasca University

Atlantic Institute of Education

Atlantic School of Theology

Bishop's University

Brandon University

The University of British Columbia

The University of Calgary

Seminary of Christ the King

Concordia University

Dalhousie University

University of King's College (Halifax, N.S.)

Université Laval

The University of Lethbridge

The University of Manitoba

McGill University

Memorial University of Newfoundland

Université de Moncton

Université de Montréal

Mount Allison University

Mount Saint Vincent University

University of New Brunswick

Nova Scotia College of Art and Design

Nova Scotia Technical College

University of Prince Edward Island

Université du Québec

The University of Regina

Université Sainte-Anne

St. Francis Xavier University

Saint Mary's University

St. Thomas University

University of Saskatchewan

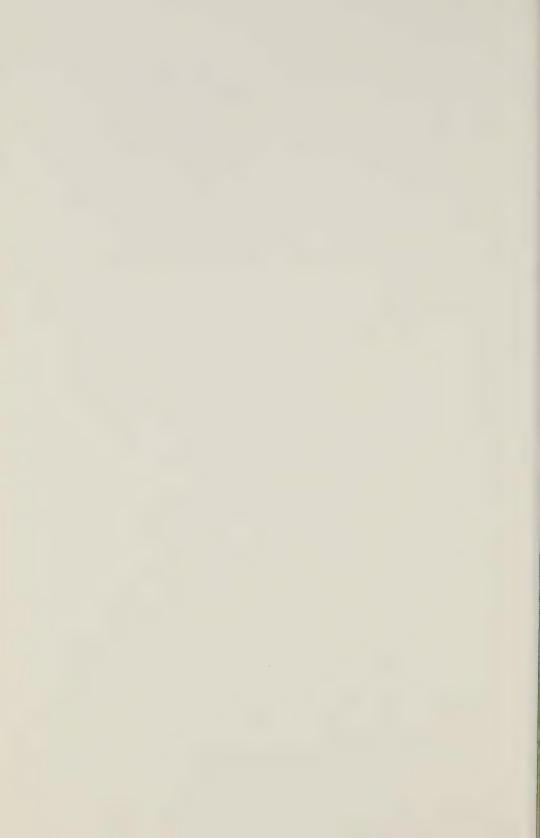
Université de Sherbrooke

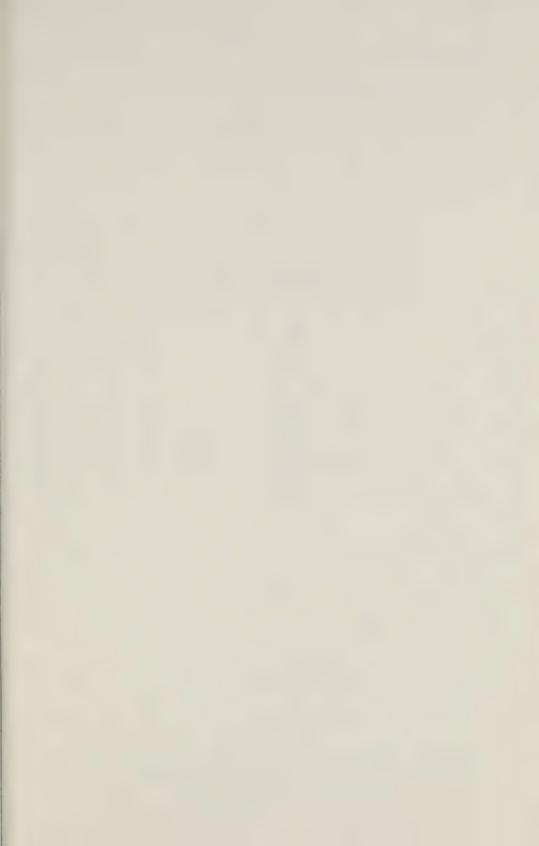
Simon Fraser University

University of Victoria (Victoria, B.C.)

The University of Winnipeg







An Act to regulate the Granting of Degrees

1st Reading March 13th, 1980

2nd Reading

3rd Reading

The Hon. B. Stephenson
Minister of Education and Minister of
Colleges and Universities

(Government Bill)

Government Bill

4TH SESSION, 31ST LEGISLATURE, ONTARIO
29 ELIZABETH II, 1980

An Act to amend The Municipality of Metropolitan Toronto Act

> THE HON. T. L. WELLS Minister of Intergovernmental Affairs

### EXPLANATORY NOTES

The purpose of this Bill is to permit those parts of the Toronto Islands now being used for residential purposes to continue to be used for such purposes during the lifetime of the present occupants. The Bill, except for a change of dates in subsections 6 and 9 of the proposed section 210a, is the same as Bill 153 which was given first reading on the 19th day of October, 1979.

Section 1. This section repeals subsection 5 of section 210 of *The Municipality of Metropolitan Toronto Act*. Under subsection 1 of section 210 all lands on the Toronto Islands, except the Toronto Island Airport, were vested in the Metropolitan Corporation for park purposes. Under subsection 5, any lands not used for park purposes were to revest in the City. The repeal of subsection 5 will permit the Metropolitan Corporation to retain title to the lands on Algonquin Island and Ward's Island, notwithstanding the fact that such lands are used for residential purposes.

Section 2. This section enacts sections 210a and 210b, which provide as follows:

Section 210a.—Subsection 1. The Metropolitan Corporation is required to lease to the City of Toronto the lands on Algonquin Island and Ward's Island used for residential purposes on the 19th day of October, 1979. The rent under the lease is to be at market value.

Subsection 2. The Metropolitan Corporation has paid arrears of property taxes and public utilities rates with respect to some of the lands to the City of Toronto and the City is required to reimburse the Metropolitan Corporation with respect to such payments.

Subsection  $\beta$ . The Metropolitan Corporation will not be responsible for arrears of axes or public utilities rates.

Subsection 4. This subsection provides that the rent under the lease between the Metropolitan Corporation and the City of Toronto may be renegotiated at five-year intervals.

BILL 5

1980

## An Act to amend The Municipality of Metropolitan Toronto Act

TER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1. Subsection 5 of section 210 of The Municipality of Metropolitan s. 210 (5), Toronto Act, being chapter 295 of the Revised Statutes of Ontario, 1970, is repealed.
- 2. The said Act is amended by adding thereto the following sections: ss. 210a, 210b,

210a.—(1) Notwithstanding subsection 1 of section 210, the Metropolitan lands on Algonquin Island and Ward's Island in the City of to lease lands Toronto that on the 19th day of October, 1979, were occupied and used for used for residential purposes shall be leased by the Metropolitan purposes to Corporation to the City of Toronto at an amount equal to their the City of Toronto market value rent, calculated as though such lands could legally be built upon and used for residential purposes, as agreed upon by the Metropolitan Corporation and the City of Toronto or, failing such agreement, as determined by the adjudicator.

(2) Within six months of entering into the lease referred to in Repayment of subsection 1, the City of Toronto shall repay to the Metropolitan taxes Corporation all amounts paid prior to the day this Act comes into force by the Metropolitan Corporation to the City of Toronto for arrears of taxes and public utilities rates in respect of the lands referred to in subsection 1, together with all outstanding arrears of rent and occupation rent, and the City of Toronto may recover any amount so paid from the occupants referred to in subsection 6.

(3) Notwithstanding any general or special Act, the Met-Metropolitan Corporation ropolitan Corporation shall not be liable for taxes or public not responsible utilities rates, or for any outstanding arrears of taxes or public for arrears utilities rates with respect to the lands referred to in subsection 1. utilities rates

tion 1 shall be renegotiated not later than five years following the

execution by the parties to the lease referred to in that subsection and at five year intervals thereafter, and, where the parties are unable to agree on the amount of such renegotiated rent, the rent may be determined by the adjudicator.

Leases void R.S.O. 1970, c. 236 (5) All leases, including any tenancy agreement within the meaning of Part IV of *The Landlord and Tenant Act*, licences of occupation and land use permits entered into prior to the coming into force of this Act with respect to the lands referred to in subsection 1 are hereby confirmed to be void as of the 19th day of October, 1979.

City of Toronto to offer leases (6) On or before the 30th day of September, 1980, an occupant of residential premises on the 19th day of October, 1979, on Algonquin Island or Ward's Island, may apply to the City of Toronto for a lease of the lands on which the occupant resided or in respect of which the occupant had a leasehold interest, and the City of Toronto shall offer a lease of those lands and, subject to subsection 8, the lease shall be for the life of the occupant and shall be subject to such terms and conditions as the City of Toronto and the occupant may agree or, failing such agreement, as determined by the adjudicator, and following the execution of each such lease, a copy thereof shall be forwarded by the City of Toronto to the Metropolitan Corporation.

No assignment or subleasing (7) Notwithstanding any general or special Act, no occupant may grant an assignment, sublease or licence of occupation with respect to any lands leased to such occupant under this section and where any occupant purports to grant an assignment, sublease or licence of occupation, such grant is void and of no effect whatsoever.

Leases between City and occupant, termination (8) Where the occupant ceases to occupy the premises that are the subject-matter of a lease entered into with the City of Toronto, the lease between the occupant and the City of Toronto shall be deemed to be terminated, and the lease with respect to that part of the lands between the Metropolitan Corporation and the City of Toronto shall be deemed to be terminated, and the Metropolitan Corporation may enter the lands and remove or demolish any buildings or structures located thereon without compensation and no further lease shall be entered into with respect to such lands.

Lease between Metropolitan Corporation and City, termination (9) Where no lease is entered into between the City of Toronto and the occupant of a part of the lands referred to in subsection 1 on or before the 1st day of December, 1980, the lease with respect to that part of the lands between the Metropolitan Corporation and the City of Toronto shall be deemed to be terminated and the Metropolitan Corporation may enter the lands and remove or demolish any buildings or structures located thereon and no further lease shall be entered into with respect to such lands.

Subsection 5. All former leases on the Islands are confirmed as being void.

Subsections 6, 7. The City is required to offer leases to persons who were occupants of residential premises on the Islands on the 19th day of October, 1979 if they apply for a lease before the 30th day of September, 1980. "Occupant" is defined in subsection 19. The leases are to be for the life of the occupant but the occupant may not grant an assignment, sublease or licence of occupation with respect to the leased lands.

Subsections 8, 9. Where an occupant ceases to occupy the leased premises, the lease is forfeited and the lease between the Metropolitan Corporation and the City with respect to the particular premises is terminated at such time. The lease between the Metropolitan Corporation and the City with respect to particular premises is also terminated if the occupant fails to enter a lease with the City by the 1st day of December, 1980. The Metropolitan Corporation may enter the lands, where a lease has terminated, and remove or demolish buildings and structures located on the lands without paying compensation.

Subsection 10. Self-explanatory.

Subsection 11. Under subsection 1 of section 210, the Metropolitan Corporation is required to use the lands on Algonquin Island and Ward's Island for park purposes. This provision will enable the Metropolitan Corporation to use such lands for park purposes or for purposes related to elderly persons.

Subsection 12. The present level of municipal services on the Islands must be maintained, except where the level of similar services is decreased throughout the City of Toronto.

Subsection 13. The City of Toronto is required to pay for the municipal services provided to the residential lands on the Islands by the Metropolitan Corporation.

Subsection 14. Neither the Metropolitan Corporation nor the City of Toronto is required to upgrade the houses or municipal services on the Islands.

Subsection 15. The Minister of Intergovernmental Affairs may appoint an adjudicator to resolve disputes with respect to the matters set out in clauses a to h of this subsection.

- (10) Where a lease between the City of Toronto and an occu- Notice pant is terminated, the City shall forthwith give notice in writing of the termination to the Metropolitan Corporation.
- (11) Where a lease is terminated under subsection 8 or 9 and the Use of Metropolitan Corporation has entered the lands which were the subject-matter of the lease, the Metropolitan Corporation may use the lands for park purposes or for purposes related to elderly persons.

(12) The Metropolitan Corporation and the City of Toronto Services shall maintain the level of municipal services, including bus and ferry service, existing on the day this Act comes into force to the lands referred to in subsection 1, but, if a lower level of services prevails in the City of Toronto from time to time, such lower level of services may be provided.

(13) The City of Toronto shall pay to the Metropolitan Cor-Payment for poration annually such amount for expenditures made or deficits municipal services incurred by the Metropolitan Corporation with respect to the provision of municipal services, including bus and ferry service, by the Metropolitan Corporation to the lands referred to in subsection 1 as may be agreed upon by the Metropolitan Corporation and the City of Toronto or, failing such agreement, as determined by the adjudicator.

- (14) Neither the Metropolitan Corporation nor the City of Idem Toronto is required to meet housing standards or to provide municipal services to the lands referred to in subsection 1 at a level higher than the level existing on the day this Act comes into force.
- (15) The Lieutenant Governor in Council may, from time to Adjudicator time, appoint an adjudicator who may decide, in the event of a dispute,

- (a) the terms and conditions of the lease between the Metropolitan Corporation and the City of Toronto;
- (b) the levels or standards of services to be provided to the lands described in subsection 1;
- (c) the responsibility for the cost of providing municipal services to the lands described in subsection 1, between the City of Toronto and the Metropolitan Corporation;
- (d) for the purposes of subsection 8, the date when a property has ceased to be occupied;
- (e) who is an occupant entitled to enter into a lease with the City of Toronto;

- (f) the terms and conditions of a lease between an occupant and the City of Toronto;
- (g) the terms and conditions of leases to be entered into under section 210b; and
- (h) any other matter which may be assigned to the adjudicator for resolution by the Minister,

and the decision of the adjudicator in respect of such matters shall be final and binding.

Remuneration and expenses of adjudicator (16) An adjudicator appointed under subsection 15 shall be paid such remuneration and expenses out of the Consolidated Revenue Fund as the Lieutenant Governor in Council may approve.

Application of 1971, c. 47

(17) The Statutory Powers Procedure Act, 1971 does not apply to any proceedings before the adjudicator appointed under subsection 15.

Application of 1979, c. 78, R.S.O. 1970, c. 236

(18) The Residential Tenancies Act, 1979 and Part IV of The Landlord and Tenant Act do not apply to any lease entered into under this section.

Interpretation

- (19) In this section, "occupant" means,
  - (a) a person who on or before the 19th day of October, 1978 attained the age of majority and who on that day had a leasehold interest or claim in land on Algonquin Island or Ward's Island in the City of Toronto under a lease which existed on the 1st day of January, 1956 or a renewal or extension thereof; or
  - (b) a person who on or before the 19th day of October, 1979 attained the age of majority and who on that day was ordinarily resident on Algonquin Island or Ward's Island in the City of Toronto.

Lease of land to Residents Associations 210b.—(1) The Metropolitan Corporation shall offer to lease to the Algonquin Island Residents Association and to the Ward's Island Residents Association the lands on Algonquin Island and Ward's Island being occupied and used by the said associations on the 19th day of October, 1979 for recreational and social purposes.

Terms of

(2) A lease under this section shall be subject to such terms and conditions as the Metropolitan Corporation and each of the associations referred to in subsection 1 may agree and, failing such agreement, as determined by the adjudicator appointed under section 210a.

Subsections 16, 17, 18, 19. Self-explanatory.

Section 210b. The Metropolitan Corporation is required to lease the lands now occupied and used for recreational and social purposes by the Algonquin Island Residents Association and the Ward's Island Residents Association to the said associations on such terms and conditions as the parties may agree.



- 3. This Act comes into force on the day it receives Royal Assent. Commencement
- 4. The short title of this Act is The Municipality of Metropolitan Short title Toronto Amendment Act, 1980.

## An Act to amend The Municipality of Metropolitan Toronto Act

1st Reading March 13th, 1980

2nd Reading

3rd Reading

The Hon. T. L. Wells Minister of Intergovernmental Affairs

(Government Bill)

4TH SESSION, 31ST LEGISLATURE, ONTARIO 29 ELIZABETH II, 1980

An Act to amend The Durham Municipal Hydro-Electric Service Act, 1979

> THE HON. R. WELCH Minister of Energy



## EXPLANATORY NOTE

Section 11 of the Act transfers control and management of the bus transportation system operated by the Public Utilities Commission of the City of Oshawa to the Oshawa Public Utilities Commission established by section 2 of the Act.

The bus transportation system was authorized by *The City of Oshawa Act,* 1960. The amendment clarifies the continuing application of that Act.

BILL 6

1980

## An Act to amend The Durham Municipal Hydro-Electric Service Act, 1979

TER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1. Section 11 of The Durham Municipal Hydro-Electric Service Act, 8, 11. 1979, being chapter 71, is amended by adding thereto the following subsection:
  - (3) The City of Oshawa Act, 1960 applies, with necessary modi-Application fications, in respect of the bus transportation system referred to in 1960, c. 160 subsection 1 and for the purpose, a reference in The City of Oshawa Act, 1960 to the "Commission" shall, on and after the 1st day of January, 1980, be deemed to be a reference to the Oshawa Public Utilities Commission established by section 2.
- 2. This Act comes into force on the day it receives Royal Assent. Commence-

3. The short title of this Act is The Durham Municipal Hydro-Electric Short title Service Amendment Act, 1980.

# An Act to amend The Durham Municipal Hydro-Electric Service Act, 1979

1st Reading
March 13th, 1980
2nd Reading

3rd Reading

THE HON. R. WELCH Minister of Energy

(Government Bill)

FBILL 6

4TH SESSION, 31ST LEGISLATURE, ONTARIO 29 ELIZABETH II, 1980

An Act to amend The Durham Municipal Hydro-Electric Service Act, 1979

> THE HON. R. WELCH Minister of Energy



BILL 6 1980

## An Act to amend The Durham Municipal Hydro-Electric Service Act, 1979

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1. Section 11 of *The Durham Municipal Hydro-Electric Service Act*, s. 11, 1979, being chapter 71, is amended by adding thereto the following subsection:
  - (3) The City of Oshawa Act, 1960 applies, with necessary modi-Application fications, in respect of the bus transportation system referred to in 1960, c. 160 subsection 1 and for the purpose, a reference in The City of Oshawa Act, 1960 to the "Commission" shall, on and after the 1st day of January, 1980, be deemed to be a reference to the Oshawa Public Utilities Commission established by section 2.
- 2. This Act comes into force on the day it receives Royal Assent. Commencement
- **3.** The short title of this Act is *The Durham Municipal Hydro-Electric* Short title Service Amendment Act, 1980.

An Act to amend The Durham Municipal Hydro-Electric Service Act, 1979

1st Reading March 13th, 1980

2nd Reading April 15th, 1980

3rd Reading
April 22nd, 1980

THE HON. R. WELCH Minister of Energy FBILL 7

4TH SESSION, 31ST LEGISLATURE, ONTARIO
29 ELIZABETH II, 1980

An Act to repeal The Welfare Units Act

THE HON. K. C. NORTON Minister of Community and Social Services



BILL 7 1980

## An Act to repeal The Welfare Units Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1. The Welfare Units Act, being chapter 494 of the Revised Repeal Statutes of Ontario, 1970, is repealed.
- 2. This Act comes into force on the day it receives Royal Commence-Assent.
- ${f 3.}$  The short title of this Act is *The Welfare Units Repeal Act*, Short title 1980.

## An Act to Repeal The Welfare Units Act

1st Reading
March 13th, 1980

2nd Reading April 15th, 1980

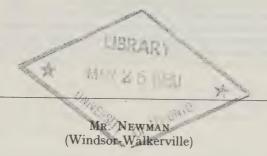
3rd Reading April 22nd, 1980

THE HON. K. C. NORTON Minister of Community and Social Services

Private Member's Bill

4TH SESSION, 31ST LEGISLATURE ONTARIO 29 ELIZABETH II, 1980

An Act to amend The Ontario Human Rights Code



The purpose of this Bill is to prevent discrimination on the basis of a physical handicap where that handicap does not reasonably preclude the performance of the particular employment.

"Physical handicap" means a physical disability, infirmity, malformation or disfigurement which is caused by bodily injury, birth defect or illness and includes epilepsy, diabetes and any degree of paralysis, amputation, lack of physical co-ordination, blindness or visual impediment, deafness or hearing impediment, muteness or speech impediment or physical reliance on a seeing eye dog, wheelchair, or other remedial appliance or device.

BILL 8 1980

### An Act to amend The Ontario Human Rights Code

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1. The preamble to *The Ontario Human Rights Code*, being Preamble chapter 318 of the Revised Statutes of Ontario, 1970, as amended by the Statutes of Ontario, 1972, chapter 119, section 1, is further amended by inserting after "status" in the amendment of 1972 "a physical handicap".
- 2. Subsection 1 of section 1 of the said Act, as amended by the s.1 (1), Statutes of Ontario, 1972, chapter 119, section 2, is further amended by inserting after "status" in the amendment of 1972 "a physical handicap".
- 3. Subsection 1 of section 2 of the said Act, as amended by the section 3. Statutes of Ontario, 1972, chapter 119, section 3, is further amended by inserting after "status" in the amendment of 1972 "a physical handicap".
- 4. Subsection 1 of section 3 of the said Act, as re-enacted by the s.3 (1), Statutes of Ontario, 1972, chapter 119, section 4, is amended by inserting after "sex" in the eleventh line "a physical handicap".
- 5.—(1) Subsection 1 of section 4 of the said Act, as re-enacted s.4(1), amended by the Statutes of Ontario, 1972, chapter 119, section 5, is amended by inserting after "status" in the twenty-second line "a physical handicap".
  - (2) Subsection 2 of the said section 4 is amended by s.4(2), inserting after "status" in the fifth line "a physical handicap".
  - (3) Subsection 3 of the said section 4 is amended by \*\*.4(3)\* inserting after "status" in the ninth line "a physical handicap".

s. 4 (5), amended (4) Subsection 5 of the said section 4 is amended by inserting after "status" in the third line "a physical handicap".

s. 4, amended (5) The said section 4, as amended by the Statutes of Ontario, 1974, chapter 73, sections 2 and 3, is further amended by adding thereto the following subsection:

Exception

(6a) The provisions of this section do not apply where the nature or extent of the physical handicap would reasonably preclude the performance of the particular employment.

s. 4 (7), amended (6) Subsection 7 of the said section 4 is amended by inserting after "status" in the third line "a physical handicap".

s. 4a (1), amended **6.**—(1) Subsection 1 of section 4a of the said Act, as enacted by the Statutes of Ontario, 1972, chapter 119, section 6, is amended by inserting after "status" in the fourth line "a physical handicap".

s. 4a (2), amended

(2) Subsection 2 of the said section 4a is amended by inserting after "status" in the fourth line "a physical handicap".

s. 6a, amended 7. Section 6a of the said Act, as enacted by the Statutes of Ontario, 1972, chapter 119, section 7, is amended by inserting after "status" in the eighth line "physical handicaps".

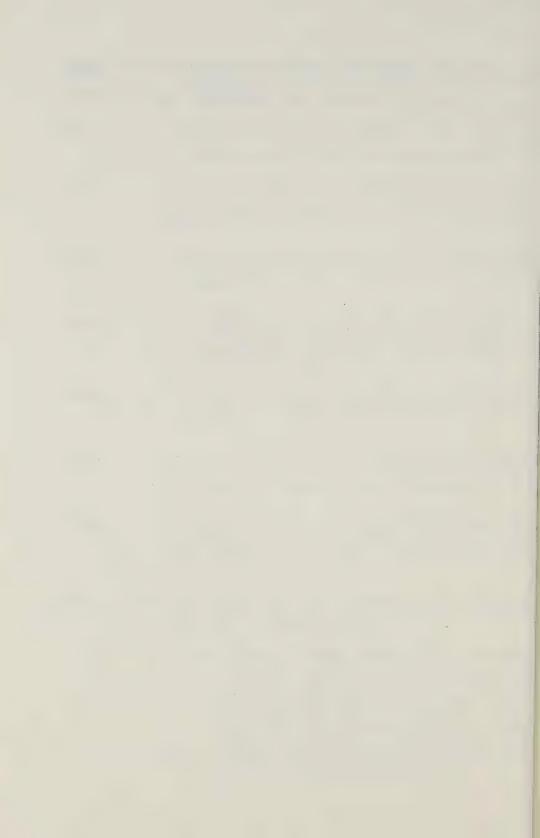
s. 9(a, c), amended

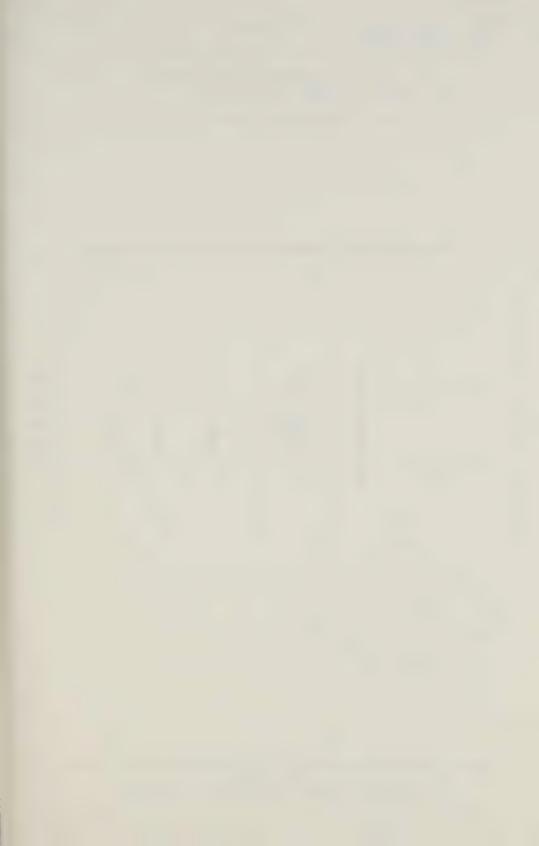
8. Clauses a and c of section 9 of the said Act, as re-enacted by the Statutes of Ontario, 1972, chapter 119, section 9, are amended by inserting after "status" in the fourth line, in each instance, "physical handicaps".

s. 19, amended

- 9. Section 19 of the said Act, as amended by the Statutes of Ontario, 1972, chapter 119, section 14, is further amended by adding thereto the following clause:
  - (ha) "physical handicap" means a physical disability, infirmity, malformation or disfigurement which is caused by bodily injury, birth defect or illness and includes epilepsy, diabetes and any degree of paralysis, amputation, lack of physical co-ordination, blindness or visual impediment, deafness or hearing impediment, muteness or speech impediment or physical reliance on a seeing eye dog, wheelchair, or other remedial appliance or device.

- 10. This Act comes into force on the day it receives Royal Assent. Commencement
- 11. The short title of this Act is The Ontario Human Rights Code Short title Amendment Act, 1980.





## An Act to amend The Ontario Human Rights Code

1st Reading March 13th, 1980

2nd Reading

3rd Reading

Mr. Newman (Windsor-Walkerville)

(Private Member's Bill)

4TH SESSION, 31ST LEGISLATURE, ONTARIO 29 ELIZABETH II, 1980

### An Act to amend The Consumer Protection Act

MR. NEWMAN (Windsor-Walkerville)



This Bill requires that every product offered for sale by a retailer that is marked with the universal product code must also be clearly marked with its individual purchase price.

BILL 9 1980

### An Act to amend The Consumer Protection Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. The Consumer Protection Act, being chapter 82 of the Revised s. 47a, Statutes of Ontario, 1970, is amended by adding thereto the following section:

47a.—(1) In this section.

Interpretation

- (a) "computer code" means a marking that is designed to be read and recorded by a computer device for the purpose of calculating the purchase price of a product offered for sale and includes the universal product code;
- (b) "product" means an item of goods;
- (c) "retail seller" means a person who offers a product for sale but not for resale.
- (2) No retail seller shall offer for sale a product that is Individual purchase marked with a computer code unless the individual purchase price of such product is clearly expressed on the product, its required wrapper or container.
- 2. This Act comes into force on the day it receives Royal Assent. Commencement
- 3. The short title of this Act is The Consumer Protection Amend-Short title ment Act, 1980.

# An Act to amend The Consumer Protection Act

1st Reading
March 13th, 1980
2nd Reading

3rd Reading

Mr. Newman (Windsor-Walkerville)

(Private Member's Bill)

4TH SESSION, 31ST LEGISLATURE, ONTARIO 29 ELIZABETH II, 1980

An Act to provide Temporary Relief to Mortgagors of Residential Property in Ontario

MR. RENWICK



The purpose of the Bill is to extend the validity of any residential mortgage due to expire before the 31st day of March, 1981 until that date.

BILL 10 1980

### An Act to provide Temporary Relief to Mortgagors of Residential Property in Ontario

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1. In this Act, "mortgage" means any mortgage of land or Interprepremises which the mortgagor resides upon or occupies for residential purposes.
- 2. Where a mortgage is due to expire between the day on which Mortgages this Act comes into force and the 31st day of March, 1981, the mortgage shall be deemed to continue in effect, upon the same terms and conditions, until the 31st day of March, 1981.
- **3.** This Act comes into force on the day it receives Royal Commence-Assent.
- 4. The short title of this Act is The Mortgagors' Relief Act, Short title 1980.

An Act to provide Temporary Relief to Mortgagors of Residential Property in Ontario

1st Reading
March 13th, 1980

2nd Reading

3rd Reading

MR. RENWICK

(Private Member's Bill)

6

4TH SESSION, 31ST LEGISLATURE, ONTARIO 29 ELIZABETH II, 1980

An Act to provide a Procedure for Reviewing Citizens' Complaints concerning Police Conduct in The Municipality of Metropolitan Toronto



The purpose of the Bill is to provide a procedure for reviewing citizens' complaints concerning police conduct in The Municipality of Metropolitan Toronto. The Bill places every police officer under a duty to exercise his authority as a police officer in a manner consistent with the diligent performance of his duties and respectful of the rights, liberties, inherent dignity and reputation of every citizen. Complaints concerning police conduct are to be dealt with by a Registrar of Citizens' Complaints and a Citizens' Complaints Tribunal appointed by the Metropolitan Council of The Municipality of Metropolitan Toronto. The Bill provides for mediation concerning a dispute or for the hearing of a complaint by the Citizens' Complaints Tribunal. After holding a hearing under the Act, the Tribunal will report its findings to the Police Chief, the Metropolitan Board of Commissioners of Police and the Metropolitan Council.

BILL 11 1980

### An Act to provide a Procedure for Reviewing Citizens' Complaints concerning Police Conduct in The Municipality of Metropolitan Toronto

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

### 1. In this Act,

Interpretation

- (a) "complaint" means an allegation of misconduct on the part of a police officer;
- (b) "Metropolitan Council" means the council of The Municipality of Metropolitan Toronto;
- (c) "Registrar" means the Registrar of Citizens' Complaints appointed under this Act;
- (d) "respondent" means a police officer against whom a complaint is made under this Act;
- (e) "Tribunal" means the Citizens' Complaints Tribunal established under this Act.
- **2.** It is the duty of every police officer to exercise his authority police as a police officer in a manner consistent with the diligent performance of his duties and respectful of the rights, liberties, inherent dignity and reputation of every citizen.
- **3.** It is the right of every police officer that his reputation and Right of career be unaffected by frivolous, vexatious or unjustified com-officer plaints and that he not be subject to more than one prosecution arising from a complaint made against him.
- 4.—(1) The Metropolitan Council shall appoint a Registrar of Registrar of Citizens' Complaints as the chief administrative officer of the Complaints Citizens' Complaints Tribunal to exercise the powers and perform the duties assigned to him by this Act.

Duties

- (2) The Registrar, subject to the direction of the Tribunal, shall.
  - (a) maintain records of complaints received by the Tribunal; and
  - (b) where the Tribunal considers it appropriate, use his good offices to settle complaints.

Citizens' Complaints Tribunal **5.**—(1) The Citizens' Complaints Tribunal is hereby established and shall consist of not fewer than three persons of indisputable integrity and acknowledged impartiality appointed from amongst the residents of The Municipality of Metropolitan Toronto by the Metropolitan Council.

Chairman, vicechairman (2) The Metropolitan Council shall designate one of the members of the Tribunal as chairman and one or more of the members as vice-chairman.

Term

(3) The members of the Tribunal shall be appointed to hold office for a term not exceeding two years and may be reappointed for further successive terms not exceeding two years each.

Staff

(4) Subject to the approval of the Metropolitan Council, the Tribunal may appoint such officers, inspectors and employees and retain such assistance as is considered necessary.

Duties

**6.**—(1) The Tribunal shall receive, investigate, hear and determine complaints and, where it considers it advisable, make recommendations concerning such complaints to the Chief of Police, the Metropolitan Board of Commissioners of Police and the Metropolitan Council.

Co-operation with the Tribunal

(2) Every police officer, the Chief of Police and the members of the Metropolitan Board of Commissioners of Police shall co-operate with the Tribunal to the fullest possible extent and shall make every reasonable effort to comply with requests from the Tribunal for assistance or information.

Appointment of investigators

7.—(1) The Registrar may select from amongst the members of police forces in Ontario one or more persons to assist the Tribunal in making investigations under this Act, but each such appointment shall be for a period not exceeding two years.

Powers on investigation

- (2) For the purpose of an investigation, the Tribunal, or a person appointed under subsection 1, may inquire into and examine the conduct of a police officer in respect of whom a complaint is made and may,
  - (a) enter at any reasonable time the premises of such police officer, not including any premises or part thereof

occupied as living accommodation, and examine books. papers, documents and things relevant to the subjectmatter of the investigation; and

(b) enter the premises of the police force and carry out therein any investigation he or it is authorized to make,

and for the purposes of the investigation, the Tribunal and the person making the investigation have the powers of a commission under Part II of The Public Inquiries Act, 1971, which Part 1971, c. 49 applies to such investigation as if it were an inquiry under that Act.

- (3) No person shall obstruct the Tribunal or a person appointed Obstruction to make an investigation or withhold or conceal or destroy any books, papers, documents or things relevant to the subject-matter of the investigation.
- **8.**—(1) Where a citizen is of the opinion that a police officer has Complaint breached the duty referred to in section 2, the citizen may file a complaint with the Tribunal setting out the details of the complaint and the identification of the police officer against whom the complaint is made.
- (2) Where a citizen makes a complaint concerning the conduct Complaints of a police officer to the Chief of Police or the Metropolitan Board Chief of of Commissioners of Police, the Chief of Police or the Board shall Police or Board forward the complaint, including the details thereof, to the Registrar.

- (3) Upon receiving a complaint under subsection 1 or 2, the Notification Registrar of the Tribunal shall forthwith send a copy of the officer complaint to the police officer against whom the complaint is made and the police officer shall file a written response to the complaint within three days of receiving notification from the Registrar.
- (4) Where the Registrar is of the opinion that the complaint can Mediation be settled by informal discussion with the complainant and the respondent, the Registrar shall, subject to the direction of the Tribunal, attempt to mediate in respect of the complaint, and may, where it appears advisable, convene a meeting between the complainant and the respondent for the purpose of discussing and settling the complaint.
- 9.—(1) The complainant or the respondent is entitled to a Hearing hearing by the Tribunal if he mails or delivers a notice to the Registrar requiring a hearing and he may so require a hearing.

Parties

(2) The complainant, the respondent, the Chief of Police, the chairman of the Metropolitan Board of Commissioners of Police and such other persons as the Tribunal may specify are parties to a hearing before the Tribunal.

Application of 1971, c. 47

(3) The provisions of Part I of *The Statutory Powers Procedure Act*, *1971* apply with necessary modifications to the Tribunal as if the Tribunal were a tribunal exercising a statutory power of decision.

Withdrawal, dismissal of complaint 10. The complainant, respondent, Chief of Police or the Metropolitan Board of Commissioners of Police may apply to the Tribunal to have a complaint withdrawn or dismissed but the Tribunal shall not dismiss a complaint or permit a complaint to be withdrawn unless a hearing has been held in respect of the complaint.

Report

11. Upon completion of a hearing under this Act, the Tribunal shall report thereon to the Chief of Police, the Metropolitan Board of Commissioners of Police and the Metropolitan Council and shall include in the report a summary of the evidence presented to the Tribunal and the conclusions and recommendations of the Tribunal.

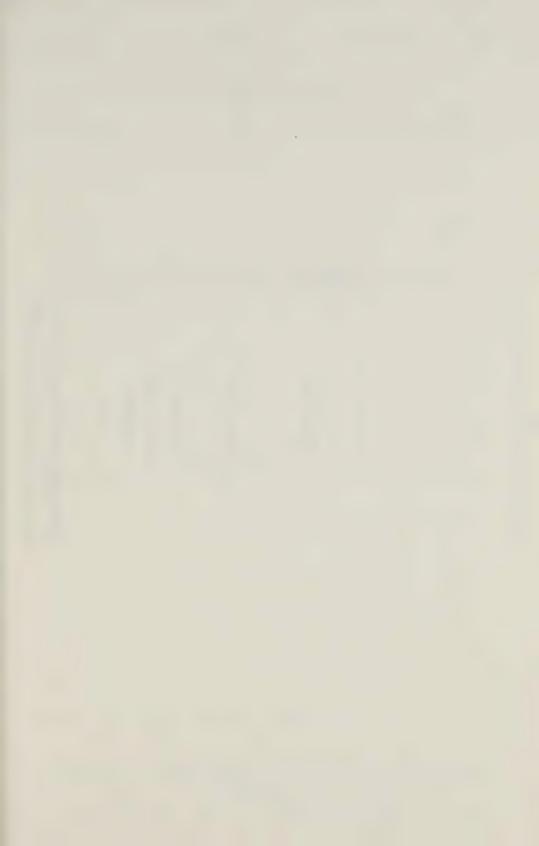
Stay R.S.C. 1970, c. C-34 12. Where a police officer is charged with an offence under the *Criminal Code* (Canada) arising from an incident in respect of which a complaint has been made under this Act, all proceedings under this Act are stayed until the charge or any appeal from a conviction or acquittal of the offence charged has been finally disposed of.

Annual report **13.** The Tribunal, after the close of each year, shall submit to the Metropolitan Council an annual report upon the affairs of the Tribunal.

Commencement 14. This Act comes into force on the day it receives Royal Assent.

Short title

15. The short title of this Act is The Citizens' Complaints Procedure Act, 1980.



An Act to provide a Procedure for Reviewing Citizens' Complaints concerning Police Conduct in The Municipality of Metropolitan Toronto

1st Reading March 13th, 1980

2nd Reading

3rd Reading

MR. WARNER

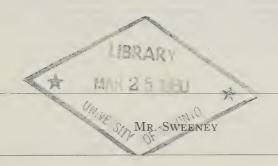
(Private Member's Bill)

Covermoent

4TH SESSION, 31ST LEGISLATURE ONTARIO

29 ELIZABETH II, 1980

An Act to monitor and regulate the activities of Cults and Mind Development Groups



The purpose of the Bill is to provide a mechanism for identifying cults and mind development groups that may cause a danger to the mental health of adherents. The Bill establishes "The Commission for the Investigation of Cults and Mind Development Groups" to investigate and report on the activities of such groups. The Bill also establishes certain reporting requirements for cults and groups that are designated by the Lieutenant Governor in Council. Where a person has suffered physical or mental illness as a result of adherence to a cult or mind development group, the Bill requires that the cult or group shall reimburse the Ontario Health Insurance Plan for any amounts paid by the Plan as a result of the illness.

BILL 12 1980

### An Act to monitor and regulate the activities of Cults and Mind Development Groups

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Interpretation

- (a) "Commission" means The Commission for the Investigation of Cults and Mind Development Groups established by this Act;
- (b) "Minister" means the Minister of Health.
- 2.—(1) The Lieutenant Governor in Council may appoint Appointment three or more persons as a commission known as "The Commis-Commission sion for the Investigation of Cults and Mind Development Groups".
- (2) The Commission appointed under subsection 1 shall include Idem one representative of the Ontario Medical Association.
- (3) The Lieutenant Governor in Council may appoint one of the Chairman members of the Commission to be chairman.
- (4) A majority of the members of the Commission constitutes a Quorum quorum and a majority vote of the members present at any meeting of the Commission determines any question.
- **3.**—(1) The objects of the Commission are to investigate and Objects report upon any cult or mind development group, adherence to which is alleged to constitute a danger to the mental health of any person, and to recommend to the Lieutenant Governor in Council whether the cult or group should be designated for the purposes of this Act.
- (2) For the purposes of an investigation under this Act, the Powers Commission has the powers of a commission under Part II of *The* 1971, c. 49

Public Inquiries Act, 1971, which Part applies to such investigation as if it were an inquiry under that Act.

Designation

**4.** The Lieutenant Governor in Council may designate any cult or mind development group as a cult or group that shall comply with the reporting requirements of section 5.

Report

- **5.**—(1) Every cult and mind development group designated under section 4 shall file with the Minister, within fourteen days of the date of the designation, a report describing,
  - (a) the practices and techniques used by the cult or group with respect to the soliciting of adherents, the counselling of members, and the nature and content of seminars conducted by the group;
  - (b) the qualification of counsellors; and
  - (c) the manner of financing the cult or group, including a statement indicating the sources and application of funds used by the cult or group.

Additional

(2) The Minister may at any time by notice require any designated cult or group to file within the time specified in the notice a return upon any subject connected with its affairs and, in the opinion of the Minister, relevant to the public interest.

Inquiry by Commission **6.**—(1) Where a person who is or has been an adherent of a cult or group receives treatment for illness, whether physical or mental, and a payment is made in respect of such treatment from the Ontario Health Insurance Plan, the Commission shall make an inquiry to determine whether the illness was a direct result of that person's adherence to the cult or group.

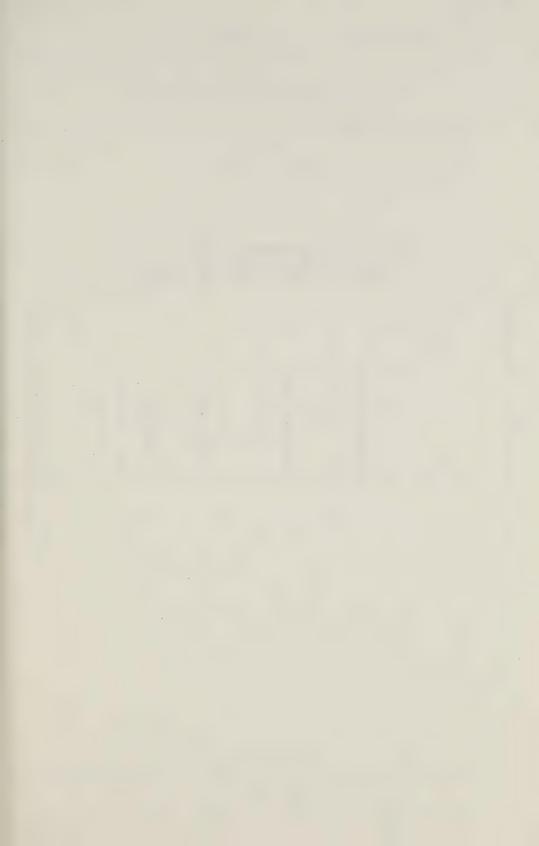
Assessment for health insurance costs (2) Where the Commission determines that a person's illness is a direct result of adherence to a designated cult or group, the Commission shall assess the cult or group for the full amount of the payment made from the Ontario Health Insurance Plan and such amount shall be a debt due to the Crown and is recoverable by proceedings in a court of competent jurisdiction.

Regulations

- **7.** The Minister may, subject to the approval of the Lieutenant Governor in Council, make regulations,
  - (a) prescribing qualification requirements for counsellors providing services on behalf of a designated cult or group;
  - (b) prohibiting a designated cult or group from permitting persons under a specified age from participating in the

- activities of the cult or group, and specifying a minimum age for that purpose;
- (c) prohibiting a cult or group from accepting a full commitment to the cult or group by a person who has not been permitted a period of time to consider the consequences of such commitment away from the influences of the cult or group and specifying periods of time for that purpose.
- 8. This Act comes into force on the day it receives Royal Commencement Assent.
  - 9. The short title of this Act is The Cult Regulation Act, 1980. Short title





An Act to monitor and regulate the activities of Cults and Mind Development Groups

1st Reading
March 13th, 1980

2nd Reading

3rd Reading

MR. SWEENEY

(Private Member's Bill)

4TH SESSION, 31ST LEGISLATURE, ONTARIO 29 ELIZABETH II, 1980)

2 / Ligar Street of Security

An Act to relieve Persons from Liability in respect of voluntary Emergency Medical and First Aid Services

MANIA - YANA

MR. HAGGERTY

The purpose of this Bill is to relieve persons from liability in respect of voluntary emergency first aid assistance or medical services rendered at or near the scene of an accident or other sudden emergency.

BILL 13 1980

### An Act to relieve Persons from Liability in respect of voluntary Emergency Medical and First Aid Services

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act.

Interpretation

- (a) "physician" means a medical practitioner licensed under Part III of *The Health Disciplines Act*, 1974; 1974, c. 47
- (b) "registered nurse" means a person who is the holder of a certificate as a registered nurse issued under Part IV of *The Health Disciplines Act*, 1974.
- 2. Where, in respect of a person who is ill, injured or Relief from unconscious as the result of an accident or other emergency, liability for damages

(a) a physician or registered nurse voluntarily and without expectation of compensation or reward renders emergency medical services or first aid assistance and the services or assistance are not rendered at a hospital or other place having adequate medical facilities and equipment; or

(b) a person other than a person mentioned in clause a voluntarily renders emergency first aid assistance and the assistance is rendered at the immediate scene of the accident or emergency,

the physician, registered nurse or other person shall not be liable for damages for injuries to or the death of such person alleged to have been caused by an act or omission on his or her part in rendering the medical services or first aid assistance, unless it is established that the injuries or death were caused by the gross negligence of the physician, registered nurse or other person. Act does not apply to normal medical services **3.** Nothing in section 2 shall be construed to relieve a physician from liability for damages for injuries to or the death of any person caused by an act or omission on the part of the physician in respect of medical services rendered by him in the normal and ordinary course of his practice and not under the circumstances set forth in section 2.

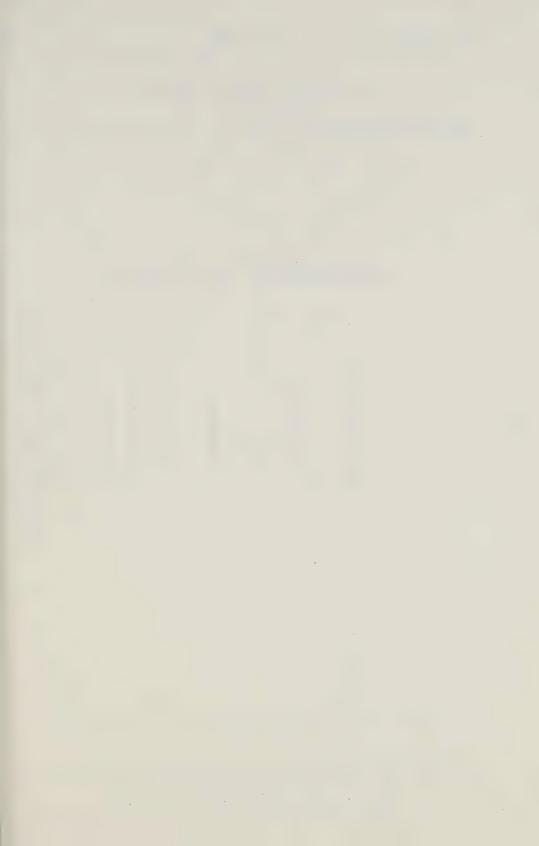
Commencement **4.** This Act comes into force on the day it receives Royal Assent.

Short title

**5.** The short title of this Act is *The Good Samaritan Act*, 1980.







An Act to relieve Persons from Liability in respect of voluntary Emergency Medical and First Aid Services

1st Reading March 14th, 1980

2nd Reading

3rd Reading

MR. HAGGERTY

(Private Member's Bill)

4TH SESSION, 31ST LEGISLATURE, ONTARIO 29 ELIZABETH II, 1980

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An Act respecting the Rights of Non-Unionized Workers

MR. HAGGERTY

#### EXPLANATORY NOTE

The purpose of the Bill is to provide a low cost mechanism whereby a non-unionized worker may obtain a review by the Ontario Labour Relations Board where the worker is discharged or otherwise disciplined for cause and the contract of employment is silent on matters of discipline. At the present time, a non-unionized worker who is dismissed or otherwise disciplined for cause may have no right of action against his employer notwithstanding the fact that the discipline is, having regard to all of the circumstances, unduly harsh.

The Bill provides a two stage process for reviewing complaints involving harsh discipline. Initially, a labour relations officer would be appointed to effect a settlement which would be reduced to writing and which would have to be complied with according to its terms. Then, if no settlement is reached, or where settlement is not likely, the Ontario Labour Relations Board would inquire into the matter. The Board, if satisfied that the complaint is justified, will have the power to make an order substituting such penalty as is just and reasonable in the circumstances.

# An Act respecting the Rights of Non-Unionized Workers

FER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Interpre-

- (a) "Board" means the Ontario Labour Relations Board;
- (b) "complaint" means a complaint filed with the Board under subsection 1 of section 2.
- 2.—(1) Where an employee, who is not subject to a col-complaints to O.L.R.B. lective agreement under *The Labour Relations Act*, has been where employee discharged or otherwise disciplined by his employer for discharged cause and the contract of employment does not contain a disciplined specific penalty for the infraction for which the discharge or R.S.O. 1970, other discipline was imposed, where the employee is of the opinion that the penalty is unduly harsh, the employee may file a complaint with the Board.

- (2) Any regulations governing the practice and procedure Procedure of the Board apply, with necessary modifications, to a review under subsection 2 of section 3 and to a complaint.
- (3) The Board may authorize a labour relations officer Inquiry by labour relations to inquire into a complaint.
- (4) The labour relations officer shall forthwith inquire Duties into the complaint and endeavour to effect a settlement of the matter.
- (5) The labour relations officer shall report the results of Report his inquiry and endeavours to the Board.
- (6) Where a labour relations officer is unable to effect a Remedy settlement of the complaint or where the Board in its dis-

cretion considers it advisable to dispense with an inquiry by a labour relations officer, the Board may inquire into the complaint and where the Board is satisfied that the discharge or other discipline imposed was unduly harsh, the Board may, by order, substitute such other penalty for the discharge or other discipline as to the Board seems just and reasonable in all the circumstances.

Idem

- (7) Without limiting the generality of subsection 6,
  - (a) where an employee has been discharged, the Board, in an order made under subsection 6, may order that the employee be reinstated in employment, with or without compensation or that the employee be compensated in lieu of reinstatement for loss of earnings or other employment benefits in an amount that may be assessed by the Board against the employer;
  - (b) where an employee has been suspended, the Board, in an order made under subsection 6, may order that the employee be compensated for loss of earnings or other employment benefits in an amount that may be assessed by the Board against the employer.

Effect of

3.—(1) Where a complaint has been settled whether through the endeavours of the labour relations officer or otherwise, and the terms of the settlement have been put in writing and signed by the employer or his representative and the employee, the settlement is binding upon the employer and the employee and shall be complied with according to its terms.

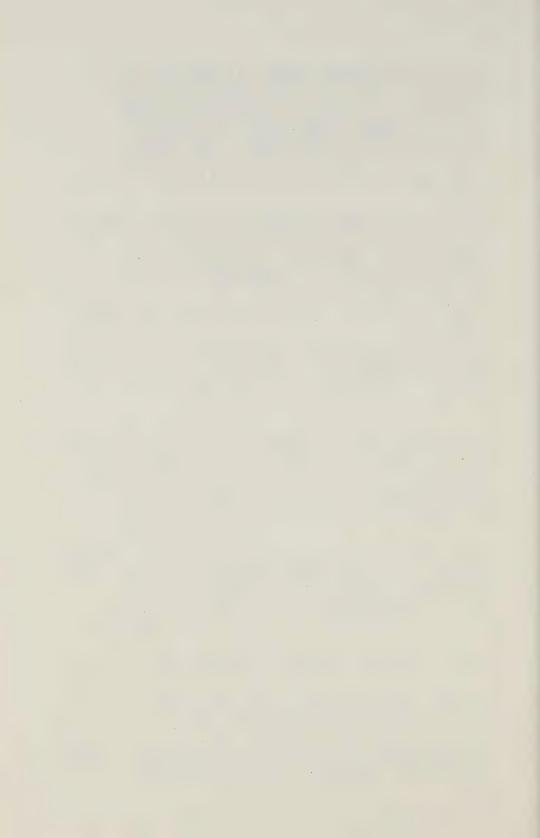
Review of settlement

- (2) Where either the employer or the employee alleges that the other party has breached any term of a settlement referred to in subsection 1, the employer or the employee, as the case may be, may apply to the Board for a review of the matter and the Board, after an inquiry, may order that,
  - (a) the employee or employer comply with the terms of the settlement; or
  - (b) vary the terms of the settlement and order compliance with the terms of the settlement as varied.

Enforcement of orders 4. Where either the employer or the employee has failed to comply with any of the terms of an order made under subsection 6 of section 2 or subsection 2 of section 3 the

other party may, after the expiration of fourteen days from the date of the order or the date provided in the order for compliance, whichever is later, notify the Board in writing of such failure, and thereupon the Board shall file in the office of the Registrar of the Supreme Court a copy of the order, exclusive of the reasons therefor, if any, in the prescribed form, whereupon the order shall be entered in the same way as a judgment or order of that court and is enforceable as such.

- 5. The rights conferred by this Act are in addition to No derogation any other rights that an employee may have at law but, of rights where a complaint is filed, any action brought by the employee in a court of law related to the discharge or discipline of the employee may be stayed pending the disposition of the matter by the Board.
- **6.** This Act comes into force on the day it receives Royal Commence-Assent.
- 7. The short title of this Act is The Non-Unionized Workers Short title Protection Act, 1980.





An Act respecting the Rights of Non-Unionized Workers

1st Reading
March 14th, 1980

2nd Reading

3rd Reading

MR. HAGGERTY

(Private Member's Bill)

4TH SESSION, 31ST LEGISLATURE, ONTARIO 29 ELIZABETH II, 1980

An Act to amend The Game and Fish Act

MR. PHILIP

### EXPLANATORY NOTE

The purpose of the Bill is to restrict the use of body-gripping and leg-hold traps in Ontario. The Bill creates a general prohibition against the use of body-gripping and leg-hold traps as a means of trapping any animal. Exemptions from the general prohibition are provided for persons who hold trappers' licences or who use body-gripping traps of a specified size that are submerged in water and for farmers.

BILL 15 1980

### An Act to amend The Game and Fish Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as ollows:

- 1.—(1) Section 1 of *The Game and Fish Act*, being chapter 186 s. 1, of the Revised Statutes of Ontario, 1970, as amended by the Statutes of Ontario, 1971, chapter 30, section 1 and 1973, chapter 108, section 1, is further amended by renumbering paragraph 1a as paragraph 1b and by adding thereto the following paragraphs:
  - 1a. "body-gripping trap" means a trap that is designed to capture the animal for which it is set by seizing and holding the animal by any part of its body, but does not include a wood-based trap designed to capture mice or other small rodents;

16a. "leg-hold trap" means a trap that is designed to capture the animal for which it is set by seizing and holding the animal by the leg or foot.

- (2) Paragraph 30 of the said section 1 is amended by insert-s.1, ing after "spring trap" in the first line "body-gripping amended trap, leg-hold trap".
- 2. Section 2 of the said Act, as amended by the Statutes of s. 2. Ontario, 1971, chapter 30, section 2, is further amended by adding thereto the following subsection:
  - (3) This Act applies to domestic animals and to persons Idem referred to in clauses b and c of subsection 1 in respect of the restrictions on the use of body-gripping and leg-hold traps referred to in section 29a.

s. 29a, enacted 3. The said Act is amended by adding thereto the following section:

Interpretation 29a.—(1) In this section, "animal" includes any domestic, fur-bearing or game animal.

Prohibition

(2) No person shall trap or attempt to trap any animal by means of a body-gripping or leg-hold trap.

Exceptions

- (3) Subsection 2 does not apply,
  - (a) to a person who holds a licence to trap animals issued under this Act;
  - (b) to a farmer who uses a body-gripping or leg-hold trap on his own lands in defence or preservation of his property or in circumstances referred to in subsection 6 of section 58;
  - (c) to a person who sets and maintains a body-gripping trap with a jaw spread of less than ten inches that is completely submerged in water.

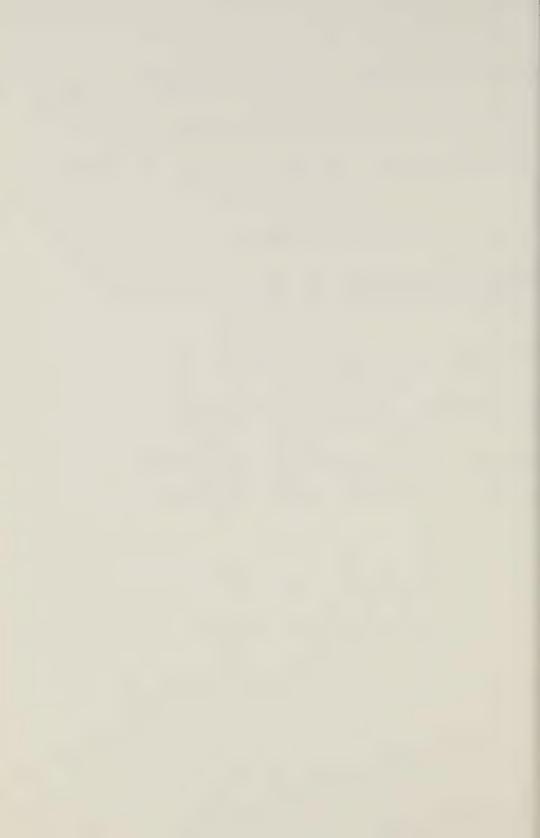
Designation of exempted areas (4) The Minister may, by order, designate areas or municipalities in Ontario in which the prohibition set out in subsection 2 does not apply.

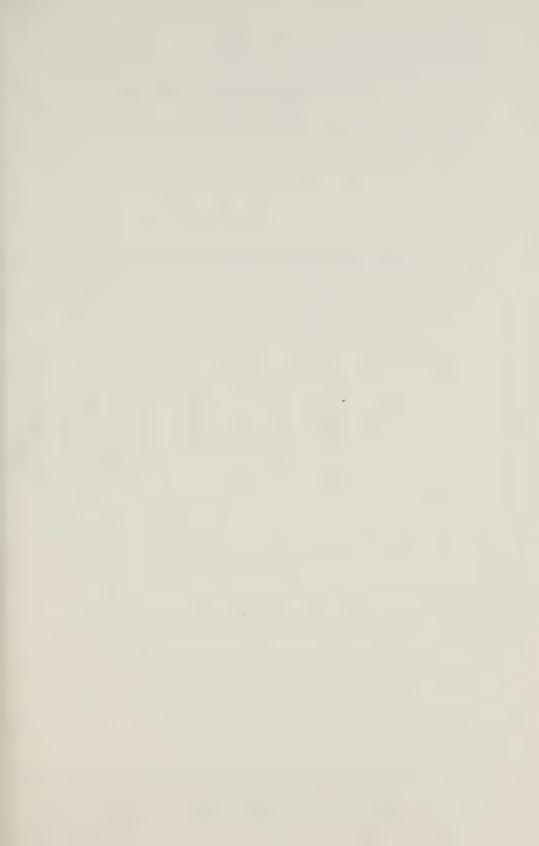
Commencement 4. This Act comes into force on the day it receives Royal Assent.

Short title

5. The short title of this Act is The Game and Fish Amendment Act, 1980.







An Act to amend The Game and Fish Act

1st Reading March 14th, 1980

2nd Reading

3rd Reading

MR. PHILIP

(Private Member's Bill)

Private Member's Bill

4TH SESSION, 31ST LEGISLATURE, ONTARIO 29 ELIZABETH II, 1980

An Act to amend The Game and Fish Act

MR. PHILIP

(Reprinted as amended by the Committee of the Whole House)

### EXPLANATORY NOTE

The purpose of the Bill is to restrict the use of body-gripping and leg-hold traps in Ontario. The Bill creates a general prohibition against the use of body-gripping and leg-hold traps as a means of trapping any animal. Exemptions from the general prohibition are provided for persons who hold trappers' licences or who use traps designated as humane traps by the Minister of Natural Resources and for farmers.

BILL 15 1980

# An Act to amend The Game and Fish Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1.—(1) Section 1 of *The Game and Fish Act*, being chapter 186 s. 1, of the Revised Statutes of Ontario, 1970, as amended by the Statutes of Ontario, 1971, chapter 30, section 1 and 1973, chapter 108, section 1, is further amended by renumbering paragraph 1a as paragraph 1b and by adding thereto the following paragraphs:
  - 1a. "body-gripping trap" means a trap designed to capture an animal by seizing and holding the animal by any part of its body but does not include a trap designed to capture a mouse or a rat;
  - 16a. "leg-hold trap" means a trap designed to capture an animal by seizing and holding the animal by the leg or foot.
  - (2) Paragraph 30 of the said section 1 is repealed and the following s. 1, par. 30, substituted therefor:
    - 30. "trap" means a spring trap, body-gripping trap, leg-hold trap, gin, deadfall, snare, box or net used to capture an animal, and "trapping" has a corresponding meaning.
- 2. Section 2 of the said Act, as amended by the Statutes of s. 2. Ontario, 1971, chapter 30, section 2, is further amended by adding thereto the following subsection:
  - (3) Notwithstanding subsection 1, this Act applies to domestic Idem animals and to persons referred to in clause b of section 1 in respect of the restrictions on the use of body-gripping and leg-hold traps referred to in section 29a.

s. 29a, enacted 3. The said Act is amended by adding thereto the following section:

Interpretation 29a.—(1) In this section, "animal" includes any domestic, fur-bearing or game animal.

Prohibition

(2) No person shall trap or attempt to trap any animal by means of a body-gripping or leg-hold trap.

Exceptions

- (3) Subsection 2 does not apply,
  - (a) to a person who holds a licence to hunt or trap fur-bearing animals;
  - (b) to a farmer who uses a body-gripping or leg-hold trap on his own lands in defence or preservation of his property or in circumstances referred to in subsection 6 of section 58;
  - (c) to a person who uses a body-gripping or leg-hold trap designated by the Minister as a humane trap.

Designation of exempted areas (4) The Minister may, with the approval of the Lieutenant Governor in Council, make an order designating areas or municipalities in Ontario in which the prohibition set out in subsection 2 does not apply.

Designation

(5) The Minister may, with the approval of the Lieutenant Governor in Council, make an order designating any body-gripping trap or leg-hold trap as a humane trap for the purpose of clause c of subsection 3.

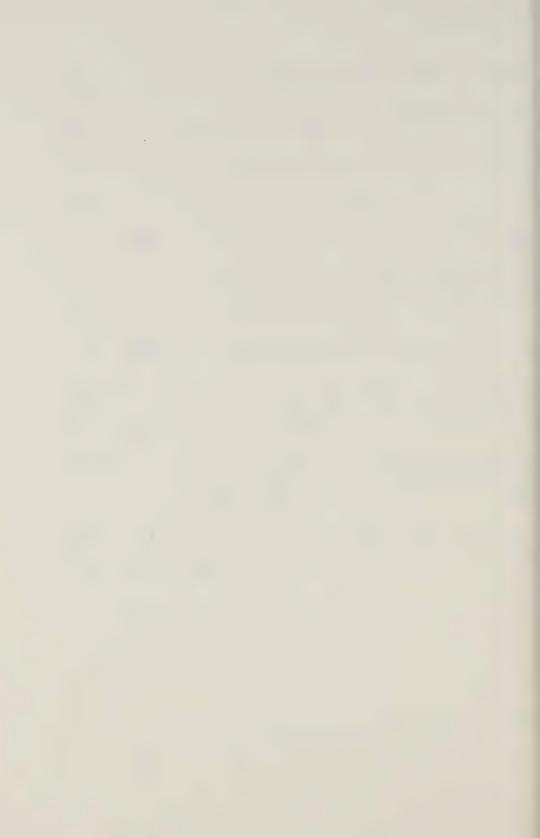
Commence-

4. This Act comes into force on the day it receives Royal Assent.

Short title

**5.** The short title of this Act is The Game and Fish Amendment Act, 1980.







BILLIS

1st Reading March 14th, 1980

2nd Reading April 10th, 1980

3rd Reading

MR. PHILIP

(Reprinted as amended by the Committee of the Whole House)

FBILL 15

4TH SESSION, 31ST LEGISLATURE, ONTARIO
29 ELIZABETH II, 1980 File and Aller - 1980

An Act to amend The Game and Fish Act

MR. PHILIP



BILL 15 1980

# An Act to amend The Game and Fish Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1.—(1) Section 1 of *The Game and Fish Act*, being chapter 186 s.1, of the Revised Statutes of Ontario, 1970, as amended by the Statutes of Ontario, 1971, chapter 30, section 1 and 1973, chapter 108, section 1, is further amended by renumbering paragraph 1a as paragraph 1b and by adding thereto the following paragraphs:
  - 1a. "body-gripping trap" means a trap designed to capture an animal by seizing and holding the animal by any part of its body but does not include a trap designed to capture a mouse or a rat;
  - 16a. "leg-hold trap" means a trap designed to capture an animal by seizing and holding the animal by the leg or foot.
  - (2) Paragraph 30 of the said section 1 is repealed and the following s. 1, par. 30, substituted therefor:
    - 30. "trap" means a spring trap, body-gripping trap, leg-hold trap, gin, deadfall, snare, box or net used to capture an animal, and "trapping" has a corresponding meaning.
- 2. Section 2 of the said Act, as amended by the Statutes of s. 2, Ontario, 1971, chapter 30, section 2, is further amended by adding thereto the following subsection:
  - (3) Notwithstanding subsection 1, this Act applies to domestic <sup>Idem</sup> animals and to persons referred to in clause b of section 1 in respect of the restrictions on the use of body-gripping and leg-hold traps referred to in section 29a.

s. 29a, enacted **3.** The said Act is amended by adding thereto the following section:

Interpretation 29a.—(1) In this section, "animal" includes any domestic, fur-bearing or game animal.

Prohibition

(2) No person shall trap or attempt to trap any animal by means of a body-gripping or leg-hold trap.

Exceptions

- (3) Subsection 2 does not apply,
  - (a) to a person who holds a licence to hunt or trap fur-bearing animals;
  - (b) to a farmer who uses a body-gripping or leg-hold trap on his own lands in defence or preservation of his property or in circumstances referred to in subsection 6 of section 58;
  - (c) to a person who uses a body-gripping or leg-hold trap designated by the Minister as a humane trap.

Designation of exempted areas

(4) The Minister may, with the approval of the Lieutenant Governor in Council, make an order designating areas or municipalities in Ontario in which the prohibition set out in subsection 2 does not apply.

Designation

(5) The Minister may, with the approval of the Lieutenant Governor in Council, make an order designating any body-gripping trap or leg-hold trap as a humane trap for the purpose of clause c of subsection 3.

Commencement 4. This Act comes into force on the day it receives Royal Assent.

Short title

5. The short title of this Act is The Game and Fish Amendment Act, 1980.







An Act to amend The Game and Fish Act

DILL IO

1st Reading March 14th, 1980

2nd Reading April 10th, 1980

3rd Reading April 22nd, 1980

MR. PHILIP

4TH SESSION, 31ST LEGISLATURE, ONTARIO 29 ELIZABETH II, 1980

An Act to establish the Ontario Waste Disposal and Reclamation Commission

MR. NEWMAN (Windsor-Walkerville)

#### EXPLANATORY NOTE

The Bill establishes the Ontario Waste Disposal and Reclamation Commission, to have authority in matters concerning disposal, reclamation and recycling of liquid, solid and gaseous wastes, with particular reference to possible development of energy from these sources.

BILL 16 1980

### An Act to establish the Ontario Waste Disposal and Reclamation Commission

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Interpretation

- (a) "Commission" means the Ontario Waste Disposal and Reclamation Commission;
- (b) "Minister" means the Minister of the Environment.
- **2.**—(1) A Commission to be known as the "Ontario Waste Commission Disposal and Reclamation Commission" is hereby established.
- (2) The Commission shall be composed of not fewer than seven Composition members appointed by the Lieutenant Governor in Council.
- **3.** The Lieutenant Governor in Council may designate one of <sup>Chairman</sup> the members to be chairman of the Commission.
  - 4. Five members of the Commission constitute a quorum. Quorum
- ${f 5.}$  The Lieutenant Governor in Council may fill any vacancy  $^{Vacancies}$  among the members of the Commission.
  - **6.**—(1) The objects of the Commission are and it has power, Objects and powers
    - (a) to provide waste disposal and reclamation services throughout the province, including incineration and landfill;
    - (b) to develop procedures and establish plants for the reclamation and recycling of paper, metal, glass and other materials;
    - (c) to study methods of marketing reclaimed materials; and

(d) to provide waste collection services in areas where it would be uneconomical for local authorities to do so.

Further powers

(2) Subject to the approval of the Lieutenant Governor in Council, for the furtherance of its objects, the Commission may enter into agreements with universities, corporations or persons for the experimentation in methods of evaluating and reducing noise.

By-laws

**7.** The Commission may make such by-laws as are considered expedient for its constitution and the administration of its affairs, and may do such other things as are considered necessary or advisable to carry out its objects.

Annual report

**8.** The Commission shall make a report annually to the Minister who shall submit the report to the Lieutenant Governor in Council and shall then lay the report before the Assembly if it is in session or, if not, at the next ensuing session.

Commencement 9. This Act comes into force on the day it receives Royal Assent.

Short title

10. The short title of this Act is The Ontario Waste Disposal and Reclamation Commission Act, 1980.







An Act to establish the Ontario Waste Disposal and Reclamation Commission

1st Reading
March 24th, 1980

2nd Reading

3rd Reading

Mr. NEWMAN (Windsor-Walkerville)

(Private Member's Bill)

4TH SESSION, 31ST LEGISLATURE, ONTARIO 29 ELIZABETH II, 1980

An Act respecting Rent Deposits in Ontario



MR. EPP

#### EXPLANATORY NOTE

The purpose of the Bill is to require that interest on rent deposits be paid at the rate of 12 per cent per year.

BILL 17 1980

#### An Act respecting Rent Deposits in Ontario

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

#### PART I

#### THE LANDLORD AND TENANT ACT

- 1. Subsection 2 of section 84 of *The Landlord and Tenant Act*, being s. 84 (2), chapter 236 of the Revised Statutes of Ontario, 1970, is repealed and the following substituted therefor:
  - (2) A landlord shall pay annually to the tenant interest on the Interest security deposit for rent referred to in subsection 1 at the rate of 12 per cent per year.

#### PART II

#### THE RESIDENTIAL TENANCIES ACT, 1979

- **2.** Subsection 4 of section 9 of *The Residential Tenancies Act*, 1979, s. 9 (4). being chapter 78, is repealed and the following substituted therefor:
  - (4) A landlord shall pay annually to the tenant interest on the Interest rent deposit at the rate of 12 per cent per year.
- 3.—(1) This Act, except section 2, comes into force on the day it Commence-receives Royal Assent.
  - (2) Section 2 comes into force on a day to be named by proclama- Idem tion of the Lieutenant Governor.
- 4. The short title of this Act is The Rent Deposits Act, 1980. Short title

## An Act respecting Rent Deposits in Ontario

1st Reading March 24th, 1980

2nd Reading

3rd Reading

MR. Epp

(Private Member's Bill)

Private Member's Bill

4TH SESSION, 31ST LEGISLATURE, ONTARIO 29 ELIZABETH II, 1980

An Act to provide for Disclosure of Non-Resident Investment in Agricultural Land in Ontario



#### EXPLANATORY NOTE

The purpose of the Bill is to establish a means of ascertaining the nature and extent of non-resident ownership of agricultural land in Ontario. The Bill requires every non-resident person, as defined in the Act, to submit a report to the Minister of Agriculture and Food concerning each purchase of agricultural land. The Bill also requires land registrars in Ontario to inform the Minister about every conveyance of agricultural land registered by the land registrar that bears an affidavit indicating that the transferee is a non-resident person. The Minister must report to the Legislative Assembly on an annual basis concerning the nature and extent of non-resident ownership of agricultural land and the report is then referred to a standing committee of the Assembly for consideration.

BILL 18 1980

#### An Act to provide for Disclosure of Non-Resident Investment in Agricultural Land in Ontario

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Interpretation

- (a) "agricultural land" means land that,
  - (i) under a by-law passed under section 35 of *The* R.S.O. 1970, *Planning Act*, or under an order made under section 32 of that Act, is zoned for agricultural use, or
  - (ii) is assessed under *The Assessment Act*, or is actu- R.S.O. 1970, ally used as farm or agricultural land, woodlands or an orchard;
- (b) "conveyance" includes any instrument or writing by which land is conveyed and includes a final order of foreclosure under any mortgage or charge affecting land;
- (c) "Minister" means the Minister of Agriculture and Food;
- (d) "non-resident corporation" means a corporation incorporated, formed or otherwise organized in Canada or elsewhere,
  - (i) that has issued shares to which are attached 50 per cent or more of the voting rights ordinarily exercisable at meetings of shareholders to one or more non-resident persons,
  - (ii) that has issued shares to which are attached 25 per cent or more of the voting rights ordinarily exercisable at meetings of the shareholders to any one non-resident person,

- (iii) one-half or more of the directors of which are individuals who are non-resident persons,
- (iv) where the corporation is without share capital, one-half or more of the members of which are non-resident persons, or
- (v) that is controlled directly or indirectly by one or more non-resident persons;
- (e) "non-resident person" means,
  - (i) an individual who is not ordinarily resident in Canada or who, if ordinarily resident in Canada, is neither a Canadian citizen nor a person who has been lawfully admitted to Canada for permanent residence in Canada,
  - (ii) a non-resident corporation,
  - (iii) a partnership, syndicate, association or other organization of which one-half or more of the members are non-resident persons or in which interests representing 50 per cent or more of the total value of the property of the partnership, syndicate, association or organization is beneficially owned by non-resident persons, or
  - (iv) a trust in which non-resident persons hold 50 per cent or more of the beneficial interests in the corpus of the trust or in the income arising therefrom.

Duty to report

- **2.**—(1) Every non-resident person who acquires or holds an interest in agricultural land situated in Ontario shall submit to the Minister a report,
  - (a) where the person holds the interest in land on the day this Act comes into force, not later than one year after that day;
  - (b) where the person acquires the interest in land after the day this Act comes into force, not later than thirty days after the date of acquisition.

Contents of

- (2) A report referred to in subsection 1 shall set forth the following information:
  - 1. the name and address of the non-resident person;

- 2. where the non-resident person is an individual, the citizenship of the non-resident person;
- 3. where the non-resident person is not an individual, the nature of the legal entity holding the interest, the country in which the non-resident person is incorporated or organized and the principal place of business of the non-resident person;
- 4. the type of interest in agricultural land which the nonresident person acquired or transferred;
- 5. the legal description and acreage of the agricultural land;
- 6. the purchase price paid for, or any other consideration given for, the interest;
- 7. the purposes for which the non-resident person intends to use the agricultural land; and
- 8. such other information as the Minister, by regulation, may require.
- (3) Any person who, subsequent to acquiring an interest in Where person agricultural land, becomes a non-resident person shall submit a becomes report to the Minister not later than ninety days after the day on non-resident which the person becomes a non-resident person setting forth the information required by subsection 2.

- 3. Every land registrar shall report to the Minister, in a Report by manner to be determined by the Minister, concerning each con-registrar veyance of agricultural land registered by the land registrar to which is attached an affidavit as to residence under The Land 1974, c. 8 Transfer Tax Act, 1974 stating that the transferee to whom the land is being conveyed is a non-resident person or the trustee for a non-resident person.
- 4. Every report submitted to the Minister under section 2 or Public section 3 shall be made available for examination by members of examination the public during reasonable office hours at the head office of the Ministry of Agriculture and Food.
  - 5.—(1) Every person who, knowingly,

Offence

- (a) fails to make a report required by section 2; or
- (b) furnishes false information in a report required by this Act,

and every director or officer of a corporation who knowingly concurs in such contravention or failure, is guilty of an offence and on summary conviction is liable to a fine of not more than \$2,000 or to imprisonment for a term of not more than one year, or to both.

Corporation

(2) Where a corporation is convicted of an offence under subsection 1, the maximum penalty that may be imposed upon the corporation is \$25,000 and not as provided therein.

Report

**6.** The Minister shall submit an annual report to the Lieutenant Governor in Council concerning the nature and extent of non-resident ownership of agricultural land in Ontario and shall then lay the report before the Assembly if it is in session or, if not, at the next ensuing session and the report shall then be referred to a standing committee of the Assembly.

Regulations

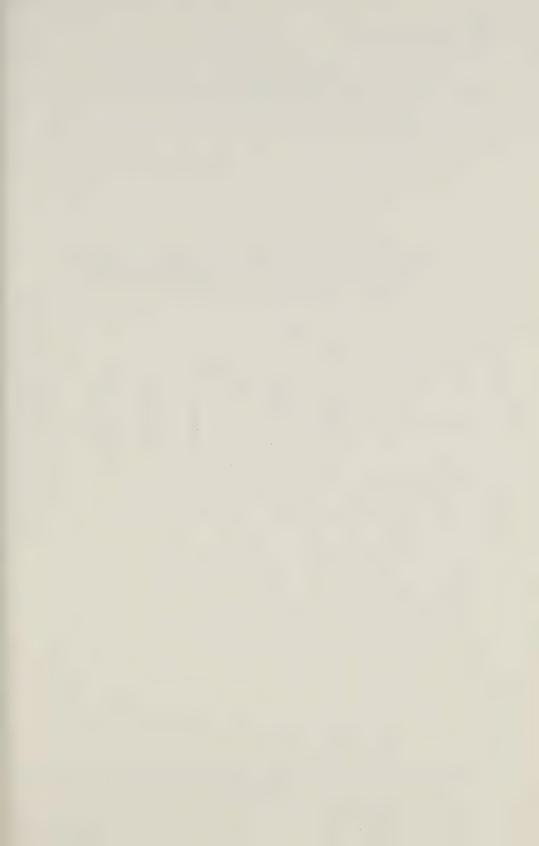
- 7. The Lieutenant Governor in Council may make regulations,
  - (a) requiring additional information to be provided in a report under section 2;
  - (b) prescribing forms and providing for their use.

Commence-

8. This Act comes into force on the day it receives Royal Assent.

Short title

9. The short title of this Act is The Agricultural Investment Disclosure Act, 1980.



An Act to provide for Disclosure of Non-Resident Investment in Agricultural Land in Ontario

1st Reading

March 24th, 1980

2nd Reading

3rd Reading

MR. RIDDELL

(Private Member's Bill)

4TH SESSION, 31ST LEGISLATURE, ONTARIO 29 ELIZABETH II, 1980

An Act to provide for the Fair Pricing of Products and Services sold to Consumers in Ontario

Mr. Swart

#### EXPLANATORY NOTE

The purpose of the Bill is to require a fair price for every product and service sold to consumers in Ontario. Where a retail seller charges an unfair price, the Bill sets out procedures and remedies for ensuring compliance with the fair pricing requirement. The Bill provides for an appeal of fair pricing orders to The Commercial Registration Appeal Tribunal.

#### An Act to provide for the Fair Pricing of Products and Services sold to Consumers in Ontario

TER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

#### 1. In this Act.

Interpretation

- (a) "Director" means the Director under The Ministry of R.S.O. 1970, Consumer and Commercial Relations Act;
- (b) "Minister" means the Minister of Consumer and Commercial Relations:
- (c) "product" means an item of goods;
- (d) "retail seller" means a person who offers a product or service for sale but not for resale;
- (e) "Tribunal" means The Commercial Registration Appeal Tribunal under The Ministry of Consumer and Commercial Relations Act.
- 2. Every retail seller of products and services in Ontario shall Fair prices offer each product or service for sale at a price that is fair to the consumer having regard to the costs of producing, distributing and marketing the product or service.
- 3. Where, upon the complaint of a person or upon his own Order to motion, the Director believes on reasonable and probable grounds charging that a retail seller is charging or has charged an unfair price for a product or service, the Director may order the retail seller to comply with section 2 in respect of the product or service specified in the order and the Director may, in the order, establish a fair price for the product or service.

Notice of proposal

4.—(1) Where the Director proposes to make an order under section 3, he shall serve notice of his proposal on each person to be named in the order together with written reasons therefor.

Request for hearing

(2) A notice under subsection 1 shall inform each person to be named in the order that he is entitled to a hearing by the Tribunal if he mails or delivers within fifteen days after the notice under subsection 1 is served on him notice in writing requiring a hearing to the Director and the Tribunal and he may so require such a hearing.

Failure to

(3) Where a person upon whom a notice is served under subrequest hearing section 1 does not require a hearing by the Tribunal in accordance with subsection 2, the Director may carry out the proposal stated in the notice.

Hearing

(4) Where a person requires a hearing by the Tribunal in accordance with subsection 2, the Tribunal shall appoint a time for and hold the hearing and, on the application of the Director at the hearing, may by order direct the Director to carry out his proposal or to refrain from carrying out his proposal and to take such action as the Tribunal considers the Director ought to take in accordance with this Act and the regulations and for such purposes the Tribunal may substitute its opinion for that of the Director.

Conditions

(5) The Tribunal may attach such terms and conditions to its order as it considers proper to give effect to the purposes of this Act.

Parties

(6) The Director and the person who has required the hearing and such other persons as the Tribunal may specify are parties to proceedings before the Tribunal under this section.

Order for immediate compliance

5.—(1) Notwithstanding section 4, the Director may make an order under section 3 to take effect immediately where, in his opinion, to do so is necessary for the protection of the public and subject to subsections 3 and 4, the order takes effect immediately.

Notice of order

(2) Where the Director makes an order under subsection 1, he shall serve each person named in the order with a copy of the order together with written reasons therefor, and a notice containing the information required to be in a notice referred to in subsections 1 and 2 of section 4.

Hearing

(3) Where a person named in the order requires a hearing by the Tribunal in accordance with the notice under subsection 2, the Tribunal shall appoint a time for and hold the hearing and may confirm or set aside the order or exercise such other powers as may be exercised in a proceeding under section 4.

(4) Where a hearing by the Tribunal is required, the order Expiration expires thirty days after the giving of the notice requiring the hearing but, where the hearing is commenced before the expiration of the order, the Tribunal may extend the time of expiration until the hearing is concluded.

- (5) The Director and the person who has required the hearing Parties and such other persons having a direct interest in the order as the Tribunal may specify are parties to proceedings before the Tribunal under this section.
- 6. Notwithstanding that, under section 9b of The Ministry of Stay Consumer and Commercial Relations Act, an appeal is taken from R.S.O. 1970. an order of the Tribunal made under section 4 or 5, the order takes effect immediately but the Tribunal may grant a stay until the disposition of the appeal.

7.—(1) Any person against whom the Director proposes to Assurance make an order to comply with section 2 may enter into a written compliance assurance of voluntary compliance in the prescribed form undertaking to not charge the specified unfair price after the date thereof.

(2) Where an assurance of voluntary compliance is accepted by Assurance the Director, the assurance has and shall be given for all purposes order of this Act the force and effect of an order made by the Director.

8. The Minister may by order appoint a person to make an Investigainvestigation into any matter to which this Act applies as may be order of specified in the Minister's order and the person appointed shall Minister report the result of his investigation to the Minister and, for the purposes of the investigation, the person making it has the powers of a commission under Part II of The Public Inquiries Act, 1971, 1971, c. 49 which Part applies to such investigation as if it were an inquiry under that Act.

9. Any notice or document required by this Act to be served or Service given may be served or given personally or by registered mail addressed to the person to whom notice is to be given at his last known address and, where notice is served or given by mail, the service shall be deemed to have been made on the fifth day after the day of mailing unless the person to whom notice is given establishes that he, acting in good faith, through absence, accident, illness or other cause beyond his control, did not receive the notice, or did not receive the notice until a later date.

**10.**—(1) Every person who, knowingly,

Offences

(a) furnishes false information in an investigation under this Act;

- (b) fails to comply with any order or assurance of voluntary compliance made or entered into under this Act; or
- (c) obstructs a person making an investigation under section 8,

is guilty of an offence and on conviction is liable to a fine of not more than \$2,000 or to imprisonment for a term of not more than one year, or to both.

Idem

(2) Every person who charges an unfair practice price knowing it to be an unfair price is guilty of an offence and on conviction is liable to a fine of not more than \$2,000 or to imprisonment for a term of not more than one year, or to both.

Corporation

(3) Where a corporation is convicted of an offence under subsection 1 or 2, the maximum penalty that may be imposed upon the corporation is \$25,000 and not as provided therein.

Directors and officers

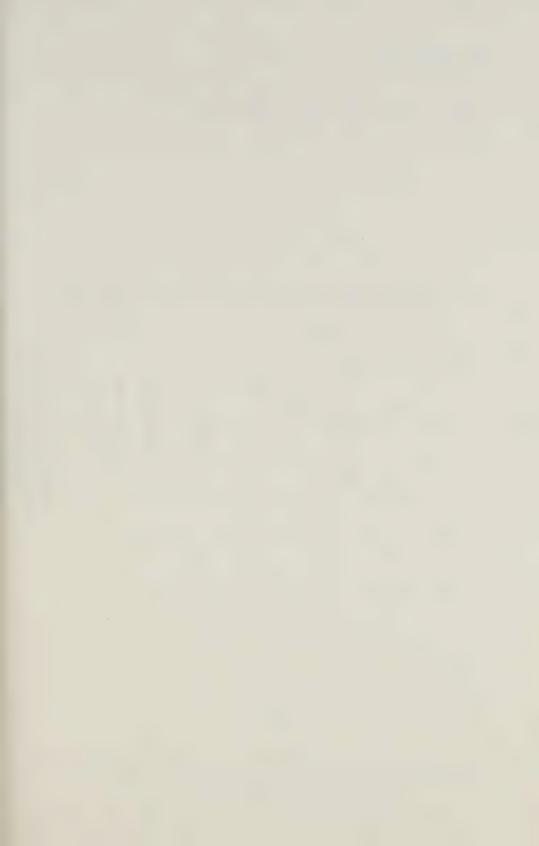
- (4) Where a corporation has been convicted of an offence under subsection 1 or 2,
  - (a) each director of the corporation; and
  - (b) each officer, servant or agent of the corporation who was in whole or in part responsible for the conduct of that part of the business of the corporation that gave rise to the offence,

is a party to the offence unless he satisfies the court that he did not authorize, permit or acquiesce in the offence.

Commencement 11. This Act comes into force on the day it receives Royal Assent.

Short title

**12.** The short title of this Act is *The Fair Pricing Act*, 1980.



# An Act to provide for the Fair Pricing of Products and Services sold to Consumers in Ontario

TOTAL TO

1st Reading March 24th, 1980

2nd Reading

3rd Reading

MR. SWART

(Private Member's Bill)

4TH SESSION, 31ST LEGISLATURE, ONTARIO 29 ELIZABETH II, 1980

An Act to provide for a Public Advocate in Ontario

THE ART

Mr. Swart

#### EXPLANATORY NOTE

The purpose of the Bill is to provide for a Public Advocate in Ontario. The function of the Public Advocate is to represent the public interest in Ontario at rate hearings before tribunals and commissions. The Public Advocate is also provided with the authority to intervene in hearings at which environmental matters are considered where, in the opinion of the Public Advocate, a broad general interest may be affected as a result of the hearing. The Bill provides for the Public Advocate to be appointed by the Lieutenant Governor in Council on the address of the Legislative Assembly of Ontario, and the Public Advocate is required to report annually on the affairs of his office to the Speaker. The Bill also provides authority for the Lieutenant Governor in Council to fix a levy to be paid by corporations that make application for a rate increase for the purpose of paying the expenses incurred by the Public Advocate in carrying out his functions and duties.

BILL 20

1980

### An Act to provide for a Public Advocate in Ontario

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1. In this Act, "environment" has the same meaning as in *The Environmental Assessment Act*, 1975.
- **2.** There shall be appointed, as an officer of the Legislature, a Consumer Public Advocate, to exercise the powers and perform the duties prescribed by this Act.
- **3.** The Public Advocate shall be appointed by the Lieutenant Appoint-Governor in Council on the address of the Assembly.
- **4.**—(1) Subject to this Act, the Public Advocate shall hold Term of office for a term of five years, but is removable at any time for cause by the Lieutenant Governor in Council on the address of the Assembly.
- (2) The Public Advocate may be reappointed for a further term Reappoint ment and or terms, but shall retire upon attaining the age of sixty-five years.
- **5.** The Public Advocate shall devote himself exclusively to the Nature of duties of his office and shall not hold any other office under the Crown or engage in any other employment.
- **6.** The Public Advocate may be paid a salary to be fixed by the Salary Lieutenant Governor in Council.
- **7.** Subject to the approval of the Lieutenant Governor in Staff Council, the Public Advocate may employ such officers and other employees as the Public Advocate considers necessary for the efficient operation of his office and may determine their salary, remuneration and terms and conditions of employment.
- **8.** The Public Advocate shall report annually upon the affairs Annual of his office to the Speaker of the Assembly who shall cause the

report to be laid before the Assembly if it is in session or, if not, at the next ensuing session.

Function: rate hearings **9.**—(1) The function of the Public Advocate is to represent the public interest in hearings before and appeals from any tribunal or commission empowered to set or review a rate, toll, fare or charge for a product or service provided to the public.

Function: environmental hearings (2) Where a hearing before a tribunal or commission concerns an enterprise, activity or proposal that, in the opinion of the Public Advocate, affects a broad public interest in the environment, the Public Advocate may intervene in the hearing to represent the broad public interest.

Standing

(3) The Public Advocate shall be accorded standing as an intervenor and party at any hearing referred to in subsections 1 and 2 notwithstanding any provision of any Act, regulation, rule of procedure or other rule of law that would deny standing to the Public Advocate before the tribunal or commission.

Considerations (4) In determining whether or not to represent the public interest in a proceeding under subsection 1 or 2, the Public Advocate shall consider the importance and extent of the public interest involved and whether that interest would be adequately represented without the action of the Public Advocate and if the Public Advocate determines that there are inconsistent public interests involved in a particular matter, the Public Advocate may choose to represent one such interest based on the foregoing considerations.

Guidance rules **10.** The Assembly may make general rules for the guidance of the Public Advocate in the exercise of his functions under this Act.

Levy

**11.** The Lieutenant Governor in Council may, by regulation, fix a levy that shall be specifically assessed upon any corporation that makes application to a tribunal or commission for approval or review of a rate increase for the purpose of paying the expenses incurred by the Public Advocate in carrying out his functions and duties under this Act but the amount of the levy shall not in any year exceed one-tenth of one per cent of the corporation's gross revenue in its most recently completed financial year.

Commencement 12. This Act comes into force on the day it receives Royal Assent.

Short title

**13.** The short title of this Act is *The Public Advocate Act*, 1980.







# An Act to provide for a Public Advocate in Ontario

1st Reading March 24th, 1980

2nd Reading

3rd Reading

Mr. Swart

(Private Member's Bill)

4TH SESSION, 31ST LEGISLATURE, ONTARIO 29 ELIZABETH II, 1980

An Act to establish
The Automobile Insurance Rate Control Board

Mr. Swart

#### EXPLANATORY NOTE

The Bill establishes an automobile insurance rate control board that would have the power to approve and fix rates and to conduct public hearings dealing with rate increases.

BILL 21 1980

#### An Act to establish The Automobile Insurance Rate Control Board

**T**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Interpre-

powers

- (a) "Board" means The Automobile Insurance Rate Control Board;
- (b) "Minister" means the Minister of Consumer and Commercial Relations.
- 2.—(1) A board to be known as "The Automobile Insurance Board Rate Control Board" is hereby established.
- (2) The Board shall be composed of not fewer than seven and Composition not more than nine members appointed by the Lieutenant Governor in Council from among representatives of labour, consumer and other citizens' groups.
- 3. The Lieutenant Governor in Council may designate one of Chairman the members to be chairman of the Board.
  - Ouorum **4.** Five members of the Board constitute a quorum.
- 5. The Lieutenant Governor in Council may fill any vacancy Vacancies among the members of the Board.
- 6. Subject to the provisions of The Statutory Powers Proce- Procedure dure Act, 1971, the Board may determine its own procedure for the conduct of hearings.
  - Objects 7. The objects of the Board are and it has power, and
    - (a) to fix rates applicable to automobile insurance generally and specifically between classifications;

- (b) to approve automobile insurance rate increases; and
- (c) to conduct public hearings with respect to applications by insurance companies for rate increases.

Decision final **8.** A decision of the Board under section 7 is final and not subject to appeal.

Annual report

**9.** The Board shall make a report annually to the Minister who shall submit the report to the Lieutenant Governor in Council and shall then lay the report before the Assembly if it is in session or, if not, at the next ensuing session.

Commencement 10. This Act comes into force on the day it receives Royal Assent.

Short title

11. The short title of this Act is *The Automobile Insurance Rate Control Act*, 1980.







# An Act to establish The Automobile Insurance Rate Control Board

1st Reading March 24th, 1980

2nd Reading

3rd Reading

Mr. Swart

(Private Member's Bill)

4TH SESSION, 31ST LEGISLATURE, ONTARIO 29 ELIZABETH II, 1980

An Act to amend The Consumer Protection Act



Mr. Swart

#### EXPLANATORY NOTE

The purpose of the Bill is to require that every product offered for sale bearing a product code must also be marked with its purchase price. The Bill prohibits increases in the purchase price of a product above the price initially marked on it by the retailer. The Bill also provides that if the price marked on the product differs from the price associated with the product code, the purchase price of the product is the lower of the two prices.

BILL 22 1980

## An Act to amend The Consumer Protection Act

ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** The Consumer Protection Act, being chapter 82 of the Revised s. 47a. Statutes of Ontario, 1970, is amended by adding thereto the following section:

47a.—(1) In this section,

Interpre-

- (a) "product" means an item of goods and includes a wrapper or container of goods;
- (b) "product code" means a marking on a product designed to be read by a computer device for the purpose of identifying the product and includes the universal product code;
- (c) "retail seller" means a person who offers a product for sale but not for resale.
- (2) No retail seller shall offer for sale a product that is marked Purchase with a product code unless the purchase price of the product is marking clearly and legibly marked on the product.

  Purchase price marked purchase price of the product is marked purchase price.

(3) No retail seller shall, at any time after a product is offered Alteration of for sale, increase the purchase price of the product to a price higher price than the purchase price initially marked on the product.

- (4) Where the purchase price marked on a product differs from Purchase the purchase price identified by a computer device, the purchase of two price of the product shall be the lower of the two prices.
- 2. This Act comes into force on the day it receives Royal Assent. Commence ment
- **3.** The short title of this Act is *The Consumer Protection Amendment* Short title *Act*, 1980.

# An Act to amend The Consumer Protection Act

1st Reading March 24th, 1980

2nd Reading

3rd Reading

Mr. Swart

(Private Member's Bill)

Publications

4TH SESSION, 31ST LEGISLATURE, ONTARIO 29 ELIZABETH II, 1980

2 / Legis latini assembly

An Act to amend The Farm Products Marketing Act

Mr. Riddell

#### EXPLANATORY NOTE

The purpose of the Bill is to prohibit unfair practices in the marketing of farm products in Ontario. These unfair practices include the arrangement of price advantages in the form of rebates, discounts or allowances between some sellers of a farm product and some buyers of the farm product to the exclusion of other buyers and sellers of the same product. The effect of these practices is to work hardship upon the buyers and sellers who are excluded from these arrangements and eventually to reduce the level of competition in the market for the farm product.

Provision is made in the Bill for orders for compliance, assurances of voluntary compliance and enforcement of orders and assurances.

BILL 23 1980

#### An Act to amend The Farm Products Marketing Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. The Farm Products Marketing Act, being chapter 162 of the Revised Part II (ss. 23-38)
Statutes of Ontario, 1970, is amended by adding thereto the folenacted lowing Part:

#### PART II

#### UNFAIR FARM PRODUCT MARKETING PRACTICES

23. In this Part,

Interpretation

- (a) "buyer" means a person who buys in the course of carrying on business and does not include a consumer;
- (b) "farm product" has the same meaning as in section 1 but does not include wool, tobacco and wood.
- 24. The purpose of this Part is to promote fair farm product Purpose marketing practices amongst persons engaged in the producing, marketing, processing or retailing of farm products.
- 25. No person carrying on business in Ontario shall engage in Prohibition an unfair farm product marketing practice.
- 26.—(1) For the purposes of this Part, the following shall be Unfair farm product marketing practices:

  Unfair farm product marketing practices:
  - 1. The requirement by a buyer of a farm product, as a condition of doing business, that a seller of the farm product grant or offer to the buyer a marketing advantage in the nature of a discount, rebate, allowance or price concession over and above any discount, rebate, allowance or price concession made available at the

2

same time to other buyers who offer to purchase the farm product under substantially the same terms and conditions of sale and delivery.

- 2. The granting or offering by a seller of a farm product of a marketing advantage in the nature of a discount, rebate, allowance or price concession to a buyer of the farm product over and above any discount, rebate, allowance or price concession made available at the same time to other buyers who offer to purchase the same farm product under substantially the same terms and conditions of sale and delivery.
- 3. The requirement by a buyer of a farm product, as a condition of doing business, that a seller of the farm product grant or offer to the buyer a marketing advantage in the nature of a discount, rebate, allowance or price concession as consideration for services provided by the buyer to the seller where the cost of the services provided by the buyer does not approximately equal the value of the marketing advantage granted or offered by the seller.
- 4. The granting or offering by a seller of a farm product to a buyer of the farm product of a marketing advantage in the nature of a discount, rebate, allowance or price concession as consideration for services provided by the buyer to the seller where the seller has reason to believe that the cost of the services provided by the buyer to the seller do not approximately equal the value of the marketing advantage granted or offered by the seller.

Justified price differences

- (2) For the purposes of this Part, where a seller of farm products sells or offers to sell farm products of like quality and quantity at the same time at different prices, the seller does not engage in an unfair farm product marketing practice if differences in the price of the farm product are attributable to,
  - (a) differences in the cost of producing, processing or marketing the farm product;
  - (b) a necessity to offer the farm product at a low price to a buyer in order to match an equally low price offered to the buyer by a competitor of the seller.

Construction

(3) This Part shall not be construed to prohibit the establishment of price differences from time to time arising in response to changed conditions affecting the market for or the marketability of a farm product including,

- (a) the actual or imminent deterioration of a perishable farm product;
- (b) the sale of a farm product by order of a court;
- (c) the sale of a farm product upon the winding up, bankruptcy or discontinuance of a business.
- (4) This Part shall not be construed to prohibit a co-operative 1dem association, credit union, caisse populaire or co-operative credit society from returning to its members, suppliers or customers the whole or any part of the net surplus made in its operations in proportion to the acquisition or supply of farm products from or to such members, suppliers or customers.
- 27. The Board shall appoint one of its officers to act as a Director Director for the purposes of this Part.
- 28.—(1) Where the Director believes on reasonable and prob-Order able grounds that any person is engaging or has engaged in an unfair unfair farm product marketing practice, the Director shall order practice such person to comply with section 25 in respect of the unfair practice specified in the order.
- (2) Where the Director proposes to make an order under subsection 1, he shall serve notice of his proposal on each person to be named in the order together with reasons therefor.
- (3) A notice under subsection 2 shall inform each person to be Request for named in the order that he is entitled to a hearing by the Board if he mails or delivers within fifteen days after the notice under subsection 2 is served on him notice in writing to the Board that he wishes a hearing.
- (4) Where a person upon whom a notice is served under sub-Failure section 2 does not require a hearing by the Board in accordance hearing with subsection 3, the Director may carry out the proposal stated in the notice.
- (5) Where a person requires a hearing by the Board in accord-Hearing ance with subsection 3, the Board shall appoint a time for and hold the hearing and, on the application of the Director at the hearing, may by order direct the Director to carry out his proposal and to take such action as the Board considers the Director ought to take in accordance with this Part and for such purposes the Board may substitute its opinion for that of the Director.
- (6) The Board may attach such terms and conditions to its order Conditions as it considers proper to give effect to the purpose of this Part.

Parties

(7) The Director and the person who has required the hearing and such other persons as the Board may specify are parties to proceedings before the Board under this section.

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29. Where an appeal is taken from an order of the Board made under section 28, the order takes effect immediately but the Board may grant a stay until the disposition of the appeal.

Assurance of voluntary compliance

30.—(1) Any person against whom the Director proposes to make an order to comply with section 25 may enter into a written assurance of voluntary compliance in the prescribed form undertaking to not engage in the specified unfair farm product marketing practice after the date thereof.

Assurance deemed order (2) Where an assurance of voluntary compliance is accepted by the Director, the assurance has and shall be given for all purposes of this Part the force and effect of an order made by the Director.

Investigation by order of Minister 31. The Minister may by order appoint a person to make an investigation into any matter to which this Part applies as may be specified in the Minister's order and the person appointed shall report the result of his investigation to the Minister and, for the purposes of the investigation, the person making it has the power of a commission under Part II of *The Public Inquiries Act*, 1971, which Part applies to such investigation as if it were an inquiry under that Act.

1971, c. 49

Inquiry by order of the Director

32. The Director may, by order, appoint a person to make an inquiry into any matter to which this Part applies as may be specified in the Director's order and the person appointed shall report the result of his inquiry to the Director.

Investigation by director 33.—(1) Where, upon a statement made under oath, the Director believes on reasonable and probable grounds that any person is contravening or is about to contravene any of the provisions of this Part or an order or assurance of voluntary compliance made or given pursuant to this Part, the Director may by order appoint one or more persons to make an investigation as to whether such a contravention of the Part, order or assurance of voluntary compliance has occurred and the person appointed shall report the result of his investigation to the Director.

Powers of investigator

- (2) For purposes relevant to the subject-matter of an investigation under this section, the person appointed to make the investigation may inquire into and examine the affairs of the person in respect of whom the investigation is being made and may,
  - (a) upon production of his appointment, enter at any reasonable time the business premises of such person

and examine books, papers, documents and things relevant to the subject-matter of the investigation; and

(b) inquire into the transactions, business affairs, management and practices that are relevant to the subject-matter of the investigation.

and for the purposes of the inquiry, the person making the investigation has the powers of a commission under Part II of The Public 1971, c. 49 Inquiries Act, 1971, which Part applies to such inquiry as if it were an inquiry under that Act.

(3) No person shall obstruct a person appointed to make an Obstruction of investigation under this section or withhold from him or conceal or destroy any books, papers, documents or things relevant to the subject-matter of the investigation.

(4) Where a provincial judge is satisfied upon an ex parte Search application by the person making an investigation under this section, that the investigation has been ordered and that such person has been appointed to make it and that there is reasonable ground for believing there are in any building, dwelling, receptacle or place any books, papers, documents or things relating to the person whose affairs are being investigated and to the subjectmatter of the investigation, the provincial judge may, whether or not an inspection has been made or attempted under clause a of subsection 2, issue an order authorizing the person making the investigation, together with such police officer or officers as he calls upon to assist him, to enter and search, if necessary by force, such building, dwelling, receptacle or place for such books, papers, documents or things and to examine them, but every such entry and search shall be made between sunrise and sunset unless the provincial judge, by the order, authorizes the person making the investigation to make the search at night.

(5) Any person making an investigation under this section may, Removal of upon giving a receipt therefor, remove any books, papers, documents or things examined under clause a of subsection 2 or subsection 4 relating to the person whose affairs are being investigated and to the subject-matter of the investigation for the purpose of making copies of such books, papers or documents, but such copying shall be carried out with reasonable dispatch and the books, papers or documents in question shall be promptly thereafter returned to the person whose affairs are being investigated.

(6) Any copy made as provided in subsection 5 and certified to Admissibility of be a true copy by the person making the investigation is admissible copies in evidence in any action, proceeding or prosecution as prima facie proof of the original book, paper or document and its contents.

Appointment of experts

(7) The Minister or Director may appoint any expert to examine books, papers, documents or things examined under clause *a* of subsection 2 or under subsection 4.

Report

(8) Where, upon the report of an investigation made under subsection 1, it appears to the Director that a person may have contravened any of the provisions of this Part, the Director shall send a full and complete report of the investigation, including the report made to him, any transcript of evidence and any material in the possession of the Director relating thereto, to the Minister.

Matters confidential

- 34.—(1) Every person employed in the administration of this Part, including any person making an inquiry, inspection or an investigation under section 31 or 32 shall preserve secrecy in respect of all matters that come to his knowledge in the course of his duties, employment, inquiry, inspection or investigation and shall not communicate any such matters to any other person except,
  - (a) as may be required in connection with the administration of this Part or any proceedings under this Part;
  - (b) to his counsel or to the court in any proceeding under this Part;
  - (c) to inform a person involved of an unfair farm product marketing practice and of any information relevant to the person's rights under this Act; or
  - (d) with the consent of the person to whom the information relates.

Testimony in civil suit

(2) No person to whom subsection 1 applies shall be required to give testimony in any civil suit or proceeding with regard to information obtained by him in the course of his duties, employment, inquiry, inspection or investigation except in a proceeding under this Part.

Certificate of Director as evidence 35. A copy of an order or assurance of voluntary compliance purporting to be certified by the Director is, without proof of the office or signature of the Director, receivable in evidence as *prima facie* proof of the facts stated therein for all purposes in any action, proceeding or prosecution.

Regulations

- 36. The Lieutenant Governor in Council may make regulations.
  - (a) requiring persons engaging in the business of marketing farm products to make such returns and furnish such information to the Director as is prescribed;

- (b) requiring any information required or permitted to be furnished to the Director or contained in any form or return to be verified by affidavit;
- (c) prescribing forms for the purposes of this Part and providing for their use.

#### 37.—(1) Every person who knowingly,

Offences

- (a) furnishes false information in an investigation under this Part;
- (b) fails to comply with an order or assurance of voluntary compliance made or entered into under this Act; or
- (c) obstructs a person making an investigation under section 31 or 32,

is guilty of an offence and on summary conviction is liable to a fine of not more than \$2,000 or to imprisonment for a term of not more than one year, or to both.

- (2) Every person who engages in an unfair farm product mar- Idem keting practice knowing it to be an unfair practice is guilty of an offence and on summary conviction is liable to a fine of not more than \$2,000 or to imprisonment for a term of not more than one year, or to both.
- (3) Where a corporation is convicted of an offence under sub-Corporations section 1 or 2, the maximum penalty that may be imposed upon the corporation is \$25,000 and not as provided therein.
- (4) Where a corporation has been convicted of an offence under Directors and subsection 1 or 2,
  - (a) each director of the corporation; and
  - (b) each officer, servant or agent of the corporation who was in whole or in part responsible for the conduct of that part of the business of the corporation that gave rise to the offence,

is a party to the offence unless he satisfies the court that he did not authorize, permit or acquiesce in the offence.

(5) Each day that a person engages in an unfair marketing Continued practice knowing it to be unfair or fails to comply with an order or assurance of voluntary compliance made or entered into under this Act or otherwise contravenes any provision of this Act constitutes a separate offence.

Monthly report

- 38.—(1) The Director shall make a written report each month to the Minister on the enforcement of this Part and on such other matters related to this Part as the Director considers advisable or the Minister may require and the report shall set out,
  - (a) the names of all persons who entered into assurances of voluntary compliance with the Director during the previous month and a description of the unfair farm product marketing practice that is the subject-matter of each assurance;
  - (b) the names of all persons against whom orders to cease engaging in an unfair farm product marketing practice, other than orders in respect of which hearings or appeals are pending, were made during the previous month and a description of the unfair farm product marketing practice that is the subject-matter of each order;
  - (c) the number and nature of complaints received by the Director during the previous month respecting unfair farm product marketing practices together with an indication of the action taken on these complaints;
  - (d) the names of all persons who are or who have been the subjects of inquiries or investigations initiated by the Director or the Minister during the previous month and a statement of the disposition of any inquiry or investigation completed during the month;
  - (e) the names of all persons convicted of offences under this Part during the previous month including a description of the offence for which each person was convicted and the penalty imposed,

and the report shall be made available to the public.

Annual report

- (2) The Director shall, within sixty days after the close of each calendar year, make a report to the Minister on the enforcement of this Part during the calendar year and on such other matters related to this Part as the Director considers advisable or the Minister may require, and the report shall set out,
  - (a) the information required by clauses a to e of subsection1, compiled on the basis of the calendar year instead of the previous month;
  - (b) any recommendations of amendments to this Part that the Director considers advisable, including any additional unfair farm product marketing practices that, in the opinion of the Director, should be set out in subsection 1 of section 26,

and the Minister shall lay the report before the Assembly if it is in session or, if not, at the commencement of the next ensuing session.

2. This Act comes into force on the day it receives Royal Assent. Commence-

ment

3. The short title of this Act is The Farm Products Marketing Amend-Short title ment Act, 1980.

An Act to amend The Farm Products Marketing Act

1st Reading
March 25th, 1980
2nd Reading

3rd Reading

Mr. RIDDELL

(Private Member's Bill)

BSL

4TH SESSION, 31ST LEGISLATURE, ONTARIO 29 ELIZABETH II, 1980

An Act to amend The Labour Relations Act

MR. HAGGERTY



#### EXPLANATORY NOTE

The purpose of the Bill is to provide a mechanism whereby the Lieutenant Governor in Council can order a sixty-day suspension of a strike or lock-out and order a return to work where the strike or lock-out constitutes an immediate and serious danger to life, health or safety or seriously disrupts the economy of the province or any area of the province.

The Bill provides that the Minister of Labour must appoint a conciliation officer where an order suspending a strike or lock-out has been made and may subsequently appoint a conciliation board where the efforts of the conciliation officer to effect a collective agreement are unsuccessful.

An order made under the Bill would be enforceable as an order of the Supreme Court.

BILL 24

1980

#### An Act to amend The Labour Relations Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1. Section 16 of *The Labour Relations Act*, being chapter 232 of s.16, the Revised Statutes of Ontario, 1970, is amended by adding thereto the following subsection:
  - (3) This section does not apply where an order has been Application made under subsection 1 of section 47a.
- 2. The said Act is amended by adding thereto the following s. 47a, section:

#### SUSPENSION OF STRIKES OR LOCK-OUTS

47a.—(1) Where during a strike or lock-out the Lieutenant Lieutenant Governor in Council is of the opinion that the strike or in Council lock-out,

Lieutenant Governor in Council may by order suspend a strike or lock-out and order

to work

- (a) constitutes an immediate and serious danger to life, lock-out and order health or safety; or
- (b) seriously disrupts the economy of the Province or any area of the Province,

the Lieutenant Governor in Council may,

- (c) order a suspension of the strike or lock-out and order a return to work for a period not exceeding sixty days in length, commencing on the day next following the date of the order; or
- (d) designate, by order, those facilities and services that the Lieutenant Governor in Council considers necessary or essential to prevent immediate and

serious danger to life, health or safety and the Lieutenant Governor in Council may order the suspension of the strike or lock-out and order a return to work with respect to the facilities and services so designated for a period not exceeding sixty days in length, commencing on the day next following the date of the order.

Appointment of conciliation officer and conciliation board (2) Where an order is made under clause c or d of subsection 1, the Minister shall appoint a conciliation officer and may subsequently appoint a conciliation board and sections 17 to 31 apply *mutatis mutandis* to such appointments.

Resumption of strike or lock-out (3) Notwithstanding subsection 1, where the Minister gives a notice to the parties under clause b of section 18 or where a conciliation board report released under subsection 5 of section 31 indicates that the parties are unable to effect a collective agreement, the parties may immediately resume the strike or lock-out without taking a new strike vote on the date such notice is given or such report is released.

Enforcement of orders (4) The Minister may file in the office of the Registrar of the Supreme Court a copy of an order made under subsection 1, in the prescribed form, whereupon the order shall be entered in the same way as a judgment or order of that court and is enforceable by the Minister or by a trade union or employer affected as a judgment or order of that court.

Limitation on orders

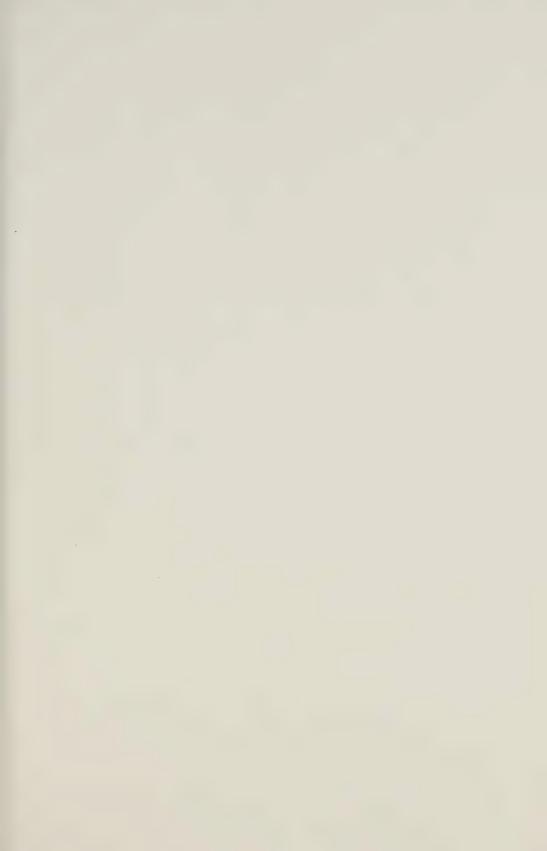
(5) The Lieutenant Governor in Council shall not make an order under subsection 1 more than once in respect of the same dispute.

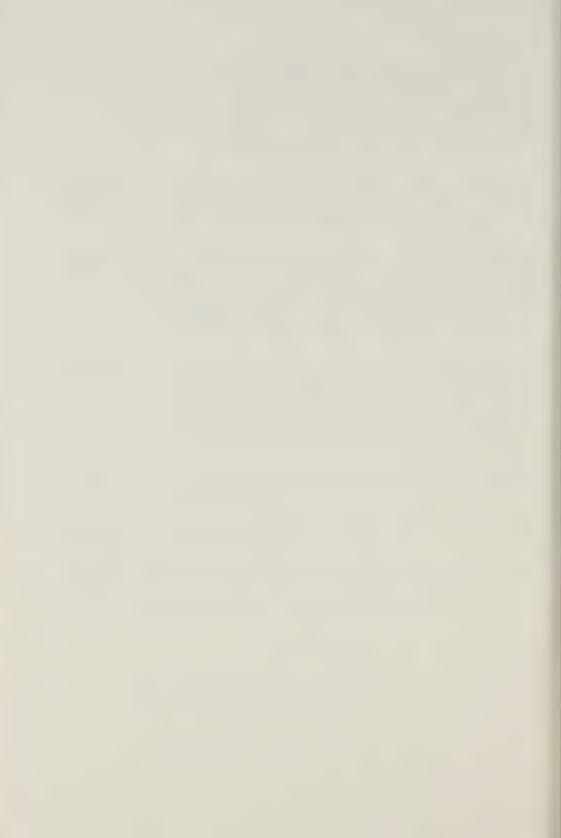
R.S.O. 1970, c. 410, does not apply (6) The Regulations Act does not apply to an order made under subsection 1.

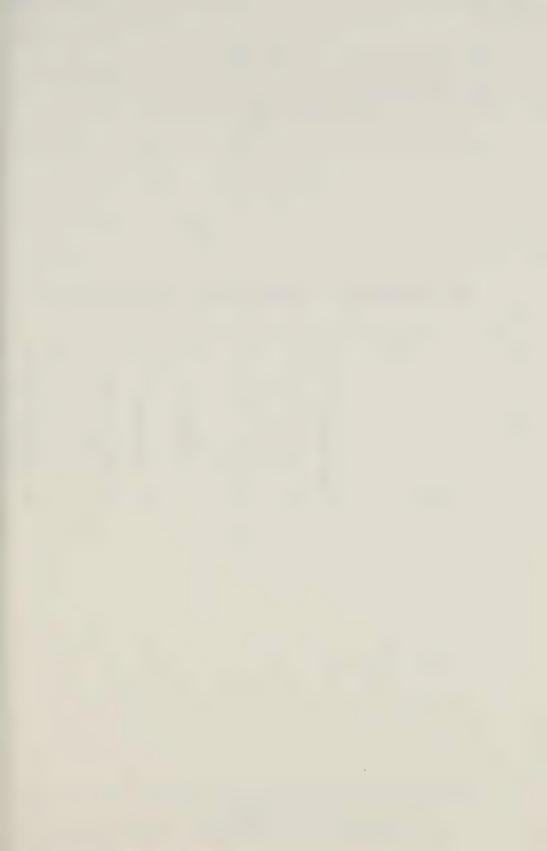
Commencement 3. This Act comes into force on the day it receives Royal Assent.

Short title

4. The short title of this Act is The Labour Relations Amendment Act, 1980.







## An Act to amend The Labour Relations Act

1st Reading
March 25th, 1980
2nd Reading

3rd Reading

MR. HAGGERTY

(Private Member's Bill)

- noticetions

4TH SESSION, 31ST LEGISLATURE, ONTARIO
29 ELIZABETH II, 1980

An Act to amend The Workmen's Compensation Act

MR. HAGGERTY

#### EXPLANATORY NOTE

The purpose of the Bill is to require the Workmen's Compensation Board to establish at least one sheltered workshop for handicapped persons in Ontario. The Board is also authorized to provide assistance to persons or associations who wish to establish sheltered workshops.

BILL 25 1980

### An Act to amend The Workmen's Compensation Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1. Section 53 of *The Workmen's Compensation Act*, being chapter s.53, 505 of the Revised Statutes of Ontario, 1970, as amended by the Statutes of Ontario, 1973, chapter 173, section 1, is further amended by adding thereto the following subsection:
  - (2) The Board shall establish and maintain in Ontario at Establish-least one sheltered workshop for the purpose of providing sheltered employment for injured employees who are not capable of workshops working a full working day, and the Board may assist any person or association in establishing sheltered workshops for the same purpose.
- 2. This Act comes into force on the day it receives Royal Assent. Commencement
- 3. The short title of this Act is The Workmen's Compensation Short title Amendment Act, 1980.

An Act to amend The Workmen's Compensation Act

1st Reading March 25th, 1980

2nd Reading

3rd Reading

MR. HAGGERTY

(Private Member's Bill)

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4TH SESSION, 31ST LEGISLATURE, ONTARIO 29 ELIZABETH II, 1980

An act to amend The Live Stock and Live Stock Products Act

> THE HON. L. C. HENDERSON Minister of Agriculture and Food

### EXPLANATORY NOTES

The main purposes of this Bill are as follows:

- To transfer the requirement to obtain a licence as a live stock dealer or dealer in live stock products from the regulations to the Act.
- To provide authority to impose requirements on live stock dealers and dealers in live stock products respecting,
  - (a) financial responsibility;
  - (b) prompt payment for live stock and live stock products; and
  - (c) the keeping of books and records and the furnishing of returns.
- 3. To authorize the Lieutenant Governor in Council to make regulations under *The Farm Products Payments Act*, where a fund for live stock is established under that Act,
  - (a) to permit live stock dealers to have access to that fund by designating them as producers; and
  - (b) to utilize the existing licence fee collection procedures under *The Beef Cattle Marketing Act* for the collection of fees to be paid to the fund.
- 4. To authorize the board constituted for the purposes of the fund referred to in paragraph 3 above to borrow money for the purposes set out in section 4 of the Bill and to enable the Lieutenant Governor in Council to guarantee loans made for such purposes.

The Bill also contains several amendments of a housekeeping nature.

Section 1. The definitions set out in clauses a, b, c, d, i and j of the proposed section 1 of the Act are the same as the definitions set out at the present time in clauses a, b, c, d, g and h of section 1.

The definitions set out in clauses e, f, g and h are complementary to amendments set out in sections 2 to 5 of the Bill.

The expressions "commission merchant", "shipper" and "stock yard" now defined in section 1 of the Act are obsolete and, accordingly, they are not defined in the proposed section 1.

BILL 26 1980

## An Act to amend The Live Stock and Live Stock Products Act

ERMAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- **1.** Section 1 of *The Live Stock and Live Stock Products Act*, being <sup>s. 1,</sup> re-enacted chapter 251 of the Revised Statutes of Ontario, 1970, as amended by the Statutes of Ontario, 1971, chapter 50, section 52 and 1978, chapter 100, section 11, is repealed and the following substituted therefor:
  - 1. In this Act,

Interpretation

- (a) "Board" means the Agricultural Licensing and Registration Review Board established under *The Ministry of* R.S.O. 1970, Agriculture and Food Act;
- (b) "Commissioner" means the Live Stock Commissioner;
- (c) "grade" means the classification of any live stock or live stock product according to the prescribed standards;
- (d) "inspector" means an inspector appointed for the purposes of this Act;
- (e) "licence" means a licence required under this Act;
- (f) "live stock" means animals or poultry designated as live stock in the regulations;
- (g) "live stock dealer" means a person engaged in the business of buying or selling live stock on his own account or as an agent;
- (h) "live stock product" means an animal or poultry product designated as a live stock product in the regulations;
- (i) "Minister" means the Minister of Agriculture and Food;

(j) "regulations" means the regulations made under this Act.

- s. 2, re-enacted
- **2.** Section 2 of the said Act is repealed and the following substituted therefor:

Licence required

- 2. No person shall engage in business,
  - (a) as a live stock dealer; or
  - (b) as a dealer in live stock products,

without a licence therefor from the Commissioner.

s. 2a, re-enacted

**3.** Section 2a of the said Act, as enacted by the Statutes of Ontario, 1971, chapter 50, section 52, is repealed and the following substituted therefor:

Licence issue

- 2a.—(1) The Commissioner shall issue a licence to a person who makes application therefor in accordance with this Act and the regulations and pays the prescribed fee unless, after a hearing, he is of opinion that,
  - (a) the past conduct of the applicant or, where the applicant is a corporation, of its officers or directors, affords reasonable grounds for belief that the operations that would be authorized by the licence will not be carried on in accordance with law;
  - (b) the applicant is not in a position to observe or carry out the provisions of this Act and the regulations or the conditions under which the licence is issued; or
  - (c) any other ground for refusal to issue specified in the regulations exists.

Renewal

(2) Subject to section 2b, the Commissioner shall renew a licence on application therefor by the licensee in accordance with this Act and the regulations and payment of the prescribed fee.

ss. 5a, 5b, enacted

4. The said Act is amended by adding thereto the following sections:

Dealers' obligations

- 5a. Every live stock dealer and every dealer in live stock products shall,
  - (a) furnish security or proof of financial responsibility as required by the regulations;
  - (b) make payment for live stock or live stock products in the manner and in accordance with the conditions prescribed by the regulations; and

Section 2. The repealed provision provided for the appointment of advisory committees. The provision is now obsolete. The proposed section 2 provides for the licensing of live stock dealers and dealers in live stock products.

This section transfers the requirement to obtain licences from the regulations to the Act.

Section 3. The amendments to section 2a of the Act are complementary to the transfer of the licensing requirement from the regulations to the Act.

SECTION 4. The section enacts sections 5a and 5b. Section 5a imposes a duty on live stock dealers and dealers in live stock products to comply with regulations which may be made with respect to financial responsibility, prompt payment for live stock and live stock products, the keeping of books and records, the making of returns and the furnishing of information.

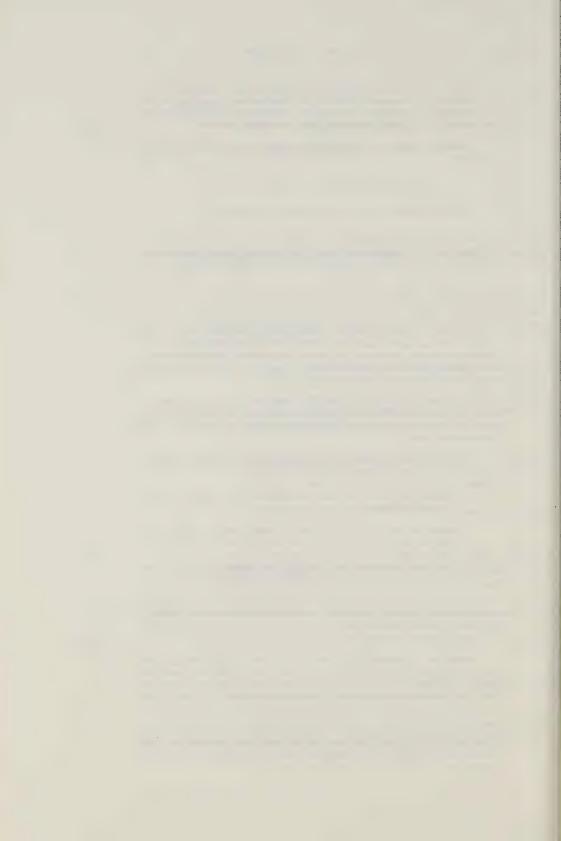
Subsection 1 of section 5b permits the Lieutenant Governor in Council to make regulations under *The Farm Products Payments Act* that would have application only for the purposes of a live stock fund established under that Act, namely, regulations by which,

- (a) live stock dealers may be designated as producers only for the purpose of making claims on the fund;
- (b) different classes of dealers and producers may be designated and for prescribing different fees for different classes;
- (c) fees to the fund may be collected in the same manner as licence fees collected under *The Beef Cattle Marketing Act*; and
- (d) any class of producers may be exempted from the provisions of *The Farm Products Payments Act* or the regulations thereunder.

Subsection 2 authorizes the board constituted to administer the fund referred to in subsection 1 to borrow money to meet a deficit where the amount standing to the credit of the fund is insufficient for the purpose of paying claims made under *The Farm Products Payments Act*.

Subsections 3 to 5 authorize the Lieutenant Governor in Council to guarantee loans made to the board for the purposes of subsection 2. The aggregate of the principal amount guaranteed is not to exceed \$1,000,000 outstanding at any one time. The provisions of *The Ministry of Agriculture and Food Act* related to loans guaranteed under that Act will apply to loans guaranteed under this section.

Subsection 6 provides that any fees collected for the fund in conjunction with licence fees under *The Beef Cattle Marketing Act* shall not be refunded under that Act and are not subject to the limitations in that Act on amounts imposed for licence fees.



- (c) keep such books and records, make such returns and furnish such information, as are prescribed by the regulations.
- 5b.—(1) Where a fund for live stock or any class thereof is Regulations established under The Farm Products Payments Act, the Lieuten- R.S.O. 1970, ant Governor in Council, in regulations made under that Act. c. 163 may, for the purpose of that Act,
  - (a) designate as producers any class or classes of persons engaged in selling such live stock or class thereof, as owners or otherwise, and may limit the extent of any such designation:
  - (b) designate classes of dealers and producers and prescribe different fees payable by different classes to the board constituted to administer the fund, and require the payment of such fees:
  - (c) provide that the fees payable by any class or classes of producers or persons designated as producers to the board constituted to administer the fund may be collected in the same manner as licence fees fixed under clause b of subsection 1 of section 5 of The Beef Cattle R.S.O. 1970, Marketing Act; and
  - (d) exempt any class or classes of producers or persons designated as producers from the application of The R.S.O. 1970, Farm Products Payments Act or the regulations made c. 163 under that Act, or any part thereof.
- (2) For the purposes of the fund mentioned in subsection 1, if, Power of at any time the amount standing to the credit of the fund is borrow insufficient for the purpose of making payments for claims under The Farm Products Payments Act, the board constituted to administer the fund may borrow such sums as are necessary to meet the deficit by loans from a chartered bank, loan company, trust company, credit union or other person.

(3) Upon the recommendation of the Minister, the Lieutenant Guarantee Governor in Council may, upon such terms as the Lieutenant Governor in Council considers proper, guarantee the payment of any loan or loans or any part thereof, together with interest thereon, made to the board for the purposes of subsection 2.

(4) The aggregate of the principal sum or sums guaranteed Amount under subsection 3 shall not exceed \$1,000,000 outstanding at any one time.

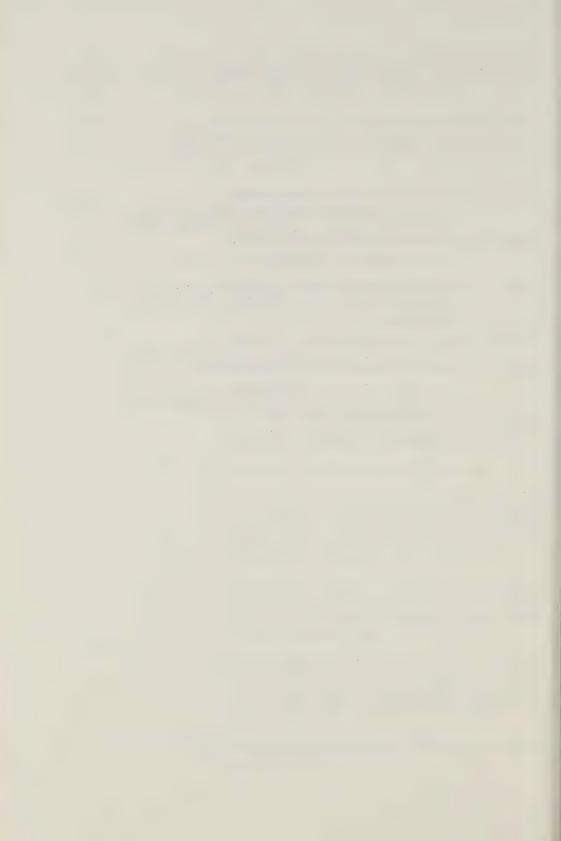
Application of R.S.O. 1970, c. 109, s. 5a (2-6)

Non-application of certain subsections

- (5) Subsections 2 to 6 of section 5a of The Ministry of Agriculture and Food Act apply with necessary modifications to a guarantee given under subsection 3 of this section.
- (6) Subsection 3 of section 3 and subsection 4 of section 5 of *The Beef Cattle Marketing Act* do not apply to fees imposed and collected under *The Farm Products Payments Act* and the regulations made thereunder.
- s. 6 (1), amended
- **5.** Clauses j to u of subsection 1 of section 6 of the said Act are repealed and the following substituted therefor:
  - (*j*) regulating the production and sale of poultry and of eggs for the production of poultry;
  - (k) classifying persons dealing in live stock or live stock products;
  - (l) providing for the manner of issuing licences and prescribing their duration and the fees payable therefor;
  - (m) prescribing the terms and conditions on which licences are issued;
  - (n) providing grounds for refusal to issue or renew, suspension or revocation of licences in addition to the grounds mentioned in sections 2a or 2b, as the case may be;
  - (o) prescribing forms and providing for their use;
  - (p) requiring the furnishing of security or proof of financial responsibility by live stock dealers or dealers in live stock products or any class thereof and providing for the administration, forfeiture and disposition of any moneys or securities so furnished;
  - (q) prescribing the manner in which, and the conditions under which, a live stock dealer or dealer in live stock products or any class thereof shall make payment for live stock or live stock products or any class thereof;
  - (r) prescribing the books and records to be kept, returns to be made and information to be furnished by live stock dealers or dealers in live stock products or any class thereof, and the places at which such books and records shall be kept;
  - (s) designating animals or poultry as live stock for the purposes of this Act;

### Section 5. This section has the following purposes:

- 1. The present clauses j to n of section 5 are deleted. These clauses conferred powers to make regulations respecting stock yards and live stock exchanges. These provisions are now obsolete.
- 2. The present clauses o and p are re-enacted as clauses j and k.
- 3. The powers respecting licensing now set out in clauses q and r are revised and re-enacted as clauses l to n. The revision of these provisions is complementary to the transfer of the licensing requirement from the regulations to the Act.
- 4. New regulation making powers as set out in clauses *o* to *t* are proposed. These powers are complementary to the enactment of clauses *f* and *h* of section 1 and section 5*a* of the Act as set out in sections 1 and 4 of the Bill.
- 5. The present clauses s and t respecting detention of live stock and live stock products and exemptions from the Act and the regulations are revised and re-enacted as clauses u and v.
- 6. The present clause u is deleted.



- (t) designating animal or poultry products as live stock products for the purposes of this Act;
- (u) governing the seizure and detention of any live stock or live stock product by an inspector and prescribing the procedures therefor;
- (v) providing for the exemption from this Act or the regulations, or any provision thereof, of any person or class of persons.
- **6.** This Act comes into force on a day to be named by proclamation of Commence-the Lieutenant Governor.
- **7.** The short title of this Act is *The Live Stock and Live Stock Products* Short title *Amendment Act*, 1980.

An Act to amend The Live Stock and Live Stock Products Act

1st Reading March 27th, 1980

2nd Reading

3rd Reading

THE HON. L. C. HENDERSON Minister of Agriculture and Food

(Government Bill)

Government Bill

B56

4TH SESSION, 31ST LEGISLATURE, ONTARIO 29 ELIZABETH II, 1980

An act to amend
The Live Stock and Live Stock Products Act

THE HON. L. C. HENDERSON Minister of Agriculture and Food

(Reprinted as amended by the Committee of the Whole House)

#### EXPLANATORY NOTES

The main purposes of this Bill are as follows:

- To transfer the requirement to obtain a licence as a live stock dealer or dealer in live stock products from the regulations to the Act.
- 2. To provide authority to impose requirements on live stock dealers and dealers in live stock products respecting,
  - (a) financial responsibility;
  - (b) prompt payment for live stock and live stock products; and
  - (c) the keeping of books and records and the furnishing of returns.
- 3. To authorize the Lieutenant Governor in Council to make regulations under *The Farm Products Payments Act*, where a fund for live stock is established under that Act,
  - (a) to permit live stock dealers to have access to that fund by designating them as producers; and
  - (b) to utilize the existing licence fee collection procedures under *The Beef Cattle Marketing Act* for the collection of fees to be paid to the fund.
- 4. To authorize the board constituted for the purposes of the fund referred to in paragraph 3 above to borrow money for the purposes set out in section 4 of the Bill and to enable the Lieutenant Governor in Council to guarantee loans made for such purposes.

The Bill also contains several amendments of a housekeeping nature.

SECTION 1. The definitions set out in clauses a, b, c, d, i and j of the proposed section 1 of the Act are the same as the definitions set out at the present time in clauses a, b, c, d, g and h of section 1.

The definitions set out in clauses e, f, g and h are complementary to amendments set out in sections 2 to 5 of the Bill.

The expressions "commission merchant", "shipper" and "stock yard" now defined in section 1 of the Act are obsolete and, accordingly, they are not defined in the proposed section 1.

BILL 26 1980

# An Act to amend The Live Stock and Live Stock Products Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 1 of *The Live Stock and Live Stock Products Act*, being <sup>s. 1</sup>, chapter 251 of the Revised Statutes of Ontario, 1970, as amended by the Statutes of Ontario, 1971, chapter 50, section 52 and 1978, chapter 100, section 11, is repealed and the following substituted therefor:

### 1. In this Act.

Interpretation

- (a) "Board" means the Agricultural Licensing and Registration Review Board established under *The Ministry of* R.S.O. 1970, Agriculture and Food Act;
- (b) "Commissioner" means the Live Stock Commissioner;
- (c) "grade" means the classification of any live stock or live stock product according to the prescribed standards;
- (d) "inspector" means an inspector appointed for the purposes of this Act;
- (e) "licence" means a licence required under this Act;
- (f) "live stock" means animals or poultry designated as live stock in the regulations;
- (g) "live stock dealer" means a person engaged in the business of buying or selling live stock on his own account or as an agent;
- (h) "live stock product" means an animal or poultry product designated as a live stock product in the regulations;
- (i) "Minister" means the Minister of Agriculture and Food;

(j) "regulations" means the regulations made under this Act.

- s. 2, re-enacted
- 2. Section 2 of the said Act is repealed and the following substituted therefor:

Licence required

- 2. No person shall engage in business,
  - (a) as a live stock dealer; or
  - (b) as a dealer in live stock products,

without a licence therefor from the Commissioner.

s. 2a. re-enacted **3.** Section 2a of the said Act, as enacted by the Statutes of Ontario, 1971, chapter 50, section 52, is repealed and the following substituted therefor:

Licence

- 2a.—(1) The Commissioner shall issue a licence to a person who makes application therefor in accordance with this Act and the regulations and pays the prescribed fee unless, after a hearing, he is of opinion that,
  - (a) the past conduct of the applicant or, where the applicant is a corporation, of its officers or directors, affords reasonable grounds for belief that the operations that would be authorized by the licence will not be carried on in accordance with law;
  - (b) the applicant is not in a position to observe or carry out the provisions of this Act and the regulations or the conditions under which the licence is issued; or
  - (c) any other ground for refusal to issue specified in the regulations exists.

Renewal

(2) Subject to section 2b, the Commissioner shall renew a licence on application therefor by the licensee in accordance with this Act and the regulations and payment of the prescribed fee.

ss. 5a, 5b, enacted

4. The said Act is amended by adding thereto the following sections:

Dealers' obligation

- 5a. Every live stock dealer and every dealer in live stock products shall,
  - (a) furnish security or proof of financial responsibility as required by the regulations;
  - (b) make payment for live stock or live stock products in the manner and in accordance with the conditions prescribed by the regulations; and

Section 2. The repealed provision provided for the appointment of advisory committees. The provision is now obsolete. The proposed section 2 provides for the licensing of live stock dealers and dealers in live stock products.

This section transfers the requirement to obtain licences from the regulations to the Act.

Section 3. The amendments to section 2a of the Act are complementary to the transfer of the licensing requirement from the regulations to the Act.

Section 4. The section enacts sections 5a and 5b. Section 5a imposes a duty on live stock dealers and dealers in live stock products to comply with regulations which may be made with respect to financial responsibility, prompt payment for live stock and live stock products, the keeping of books and records, the making of returns and the furnishing of information.

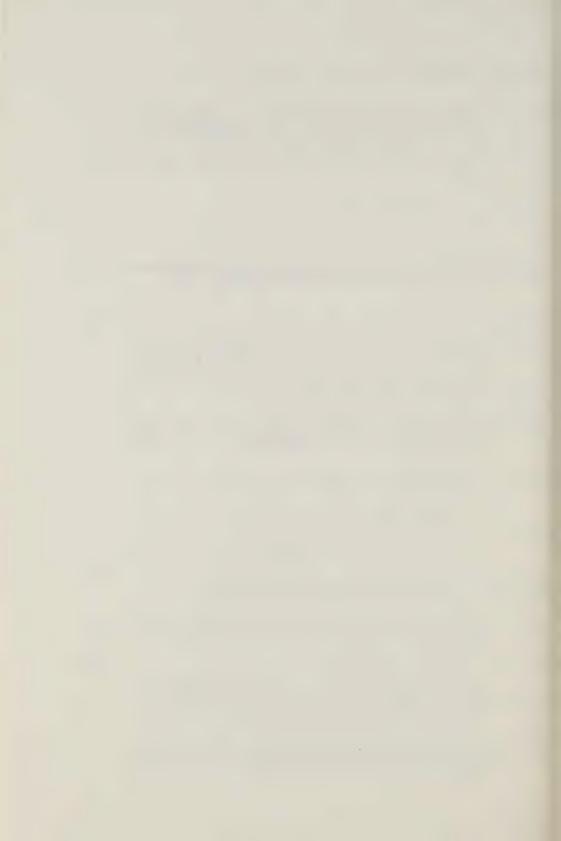
Subsection 1 of section 5b permits the Lieutenant Governor in Council to make regulations under *The Farm Products Payments Act* that would have application only for the purposes of a live stock fund established under that Act, namely, regulations by which,

- (a) live stock dealers may be designated as producers only for the purpose of making claims on the fund;
- (b) different classes of dealers and producers may be designated and for prescribing different fees for different classes;
- (c) fees to the fund may be collected in the same manner as licence fees collected under *The Beef Cattle Marketing Act*; and
- (d) any class of producers may be exempted from the provisions of *The Farm Products Payments Act* or the regulations thereunder.

Subsection 2 authorizes the board constituted to administer the fund referred to in subsection 1 to borrow money to meet a deficit where the amount standing to the credit of the fund is insufficient for the purpose of paying claims made under *The Farm Products Payments Act*.

Subsections 3 to 5 authorize the Lieutenant Governor in Council to guarantee loans made to the board for the purposes of subsection 2. The aggregate of the principal amount guaranteed is not to exceed \$1,000,000 outstanding at any one time. The provisions of *The Ministry of Agriculture and Food Act* related to loans guaranteed under that Act will apply to loans guaranteed under this section.

Subsection 6 provides that any fees collected for the fund in conjunction with licence fees under *The Beef Cattle Marketing Act* shall not be refunded under that Act and are not subject to the limitations in that Act on amounts imposed for licence fees.



- (c) keep such books and records, make such returns and furnish such information, as are prescribed by the regulations
- 5b.—(1) Where a fund for live stock or any class thereof is Regulations established under *The Farm Products Payments Act*, the Lieuten- R.S.O. 1970, ant Governor in Council, in regulations made under that Act, c. 163 may, for the purpose of that Act,
  - (a) designate as producers any class or classes of persons engaged in selling such live stock or class thereof, as owners or otherwise, and may limit the extent of any such designation;
  - (b) designate classes of dealers and producers and prescribe different fees payable by different classes to the board constituted to administer the fund, and require the payment of such fees;
  - (c) provide that the fees payable by any class or classes of producers or persons designated as producers to the board constituted to administer the fund may be collected in the same manner as licence fees fixed under clause b of subsection 1 of section 5 of The Beef Cattle R.S.O. 1970, Marketing Act; and
  - (d) exempt any class or classes of producers or persons designated as producers from the application of *The R.S.O.* 1970. Farm Products Payments Act or the regulations made under that Act, or any part thereof.
- (2) For the purposes of the fund mentioned in subsection 1, if, Power of at any time the amount standing to the credit of the fund is insufficient for the purpose of making payments for claims under The Farm Products Payments Act, the board constituted to administer the fund may borrow such sums as are necessary to meet the deficit by loans from a chartered bank, loan company, trust company, credit union or other person.
- (3) Upon the recommendation of the Minister, the Lieutenant Guarantee Governor in Council may, upon such terms as the Lieutenant Governor in Council considers proper, guarantee the payment of any loan or loans or any part thereof, together with interest thereon, made to the board for the purposes of subsection 2.
- (4) The aggregate of the principal sum or sums guaranteed Amount under subsection 3 shall not exceed \$1,000,000 outstanding at any one time.

Application of R.S.O. 1970, c. 109, s. 5a (2-6)

Non-application of certain

- (5) Subsections 2 to 6 of section 5a of *The Ministry of Agriculture and Food Act* apply with necessary modifications to a guarantee given under subsection 3 of this section.
- (6) Subsection 3 of section 3 and subsection 4 of section 5 of *The Beef Cattle Marketing Act* do not apply to fees imposed and collected under *The Farm Products Payments Act* and the regulations made thereunder.

s. 6 (1), amended

- **5.**—(1) Clauses j to u of subsection 1 of section 6 of the said Act are repealed and the following substituted therefor:
  - (*j*) regulating the production and sale of poultry and of eggs for the production of poultry;
  - (k) classifying persons dealing in live stock or live stock products;
  - (l) providing for the manner of issuing licences and prescribing their duration and the fees payable therefor;
  - (m) prescribing the terms and conditions on which licences are issued;
  - (n) providing grounds for refusal to issue or renew, suspension or revocation of licences in addition to the grounds mentioned in sections 2a or 2b, as the case may be;
  - (o) prescribing forms and providing for their use;
  - (p) requiring the furnishing of security or proof of financial responsibility by live stock dealers or dealers in live stock products or any class thereof and providing for the administration, forfeiture and disposition of any moneys or securities so furnished;
  - (q) prescribing the manner in which, and the conditions under which, a live stock dealer or dealer in live stock products or any class thereof shall make payment for live stock or live stock products or any class thereof;
  - (r) prescribing the books and records to be kept, returns to be made and information to be furnished by live stock dealers or dealers in live stock products or any class thereof, and the places at which such books and records shall be kept;
  - (s) designating animals or poultry as live stock for the purposes of this Act;

Section 5.—Subsection 1. The amendments to section 6 (1) have the following purposes:  $\frac{1}{2}$ 

- 1. The present clauses j to n are deleted. These clauses conferred powers to make regulations respecting stock yards and live stock exchanges. These provisions are now obsolete.
- 2. The present clauses o and p are re-enacted as clauses j and k.
- 3. The powers respecting licensing now set out in clauses q and r are revised and re-enacted as clauses l to n. The revision of these provisions is complementary to the transfer of the licensing requirement from the regulations to the Act.
- 4. New regulation making powers as set out in clauses o to t are proposed. These powers are complementary to the enactment of clauses f and h of section 1 and section 5a of the Act as set out in sections 1 and 4 of the Bill.
- 5. The present clauses s and t respecting detention of live stock and live stock products and exemptions from the Act and the regulations are revised and re-enacted as clauses u and v.
- 6. The present clause u is deleted.

Subsection 2 The new subsection will permit the Lieutenant Governor in Council to make regulations to adopt by reference, in whole or in part with changes if necessary, any grade, standard or grade name established under the Canada Agricultural Products Standards Act.

- (t) designating animal or poultry products as live stock products for the purposes of this Act;
- (u) governing the seizure and detention of any live stock or live stock product by an inspector and prescribing the procedures therefor;
- (v) providing for the exemption from this Act or the regulations, or any provision thereof, of any person or class of persons.
- (2) The said section 6 is amended by adding thereto the following s. 6, subsection:
- (3) Any regulation may adopt by reference, in whole or in part Authority with such changes as the Lieutenant Governor in Council consid-to adopt grades, etc., ers necessary, any grade, standard or grade name established by reference under the *Canada Agricultural Products Standards Act*, as R.S.C. 1970. amended or re-enacted from time to time, and may require compliance with any such grade, standard or grade name so adopted, including any such changes.
- **6.** This Act comes into force on a day to be named by proclamation of Commence-the Lieutenant Governor.
- 7. The short title of this Act is The Live Stock and Live Stock Products Short title Amendment Act, 1980.

# An Act to amend The Live Stock and Live Stock Products Act

1st Reading March 27th, 1980

2nd Reading April 15th, 1980

3rd Reading

THE HON. L. C. HENDERSON Minister of Agriculture and Food

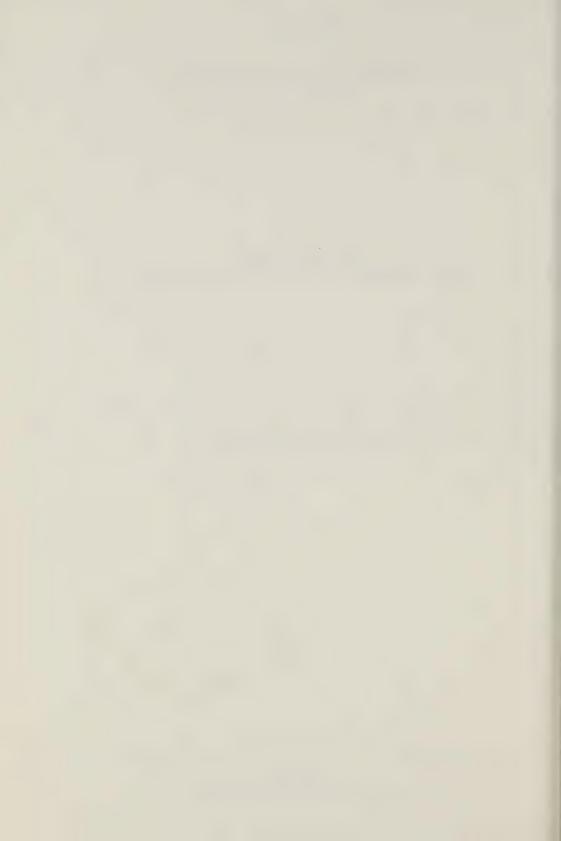
(Reprinted as amended by the Committee of the Whole House)

FBILL 26

4TH SESSION, 31ST LEGISLATURE, ONTARIO 29 ELIZABETH II, 1980

An act to amend The Live Stock and Live Stock Products Act

> THE HON. L. C. HENDERSON Minister of Agriculture and Food



BILL 26 1980

# An Act to amend The Live Stock and Live Stock Products Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 1 of *The Live Stock and Live Stock Products Act*, being <sup>s. 1</sup>, chapter 251 of the Revised Statutes of Ontario, 1970, as amended by the Statutes of Ontario, 1971, chapter 50, section 52 and 1978, chapter 100, section 11, is repealed and the following substituted therefor:

### 1. In this Act,

Interpretation

- (a) "Board" means the Agricultural Licensing and Registration Review Board established under *The Ministry of* R.S.O. 1970, Agriculture and Food Act;
- (b) "Commissioner" means the Live Stock Commissioner;
- (c) "grade" means the classification of any live stock or live stock product according to the prescribed standards;
- (d) "inspector" means an inspector appointed for the purposes of this Act;
- (e) "licence" means a licence required under this Act;
- (f) "live stock" means animals or poultry designated as live stock in the regulations;
- (g) "live stock dealer" means a person engaged in the business of buying or selling live stock on his own account or as an agent;
- (h) "live stock product" means an animal or poultry product designated as a live stock product in the regulations;
- (i) "Minister" means the Minister of Agriculture and Food;

(j) "regulations" means the regulations made under this Act.

- s. 2, re-enacted
- **2.** Section 2 of the said Act is repealed and the following substituted therefor:

Licence required

- 2. No person shall engage in business,
  - (a) as a live stock dealer; or
  - (b) as a dealer in live stock products,

without a licence therefor from the Commissioner.

s. 2a, re-enacted

**3.** Section 2a of the said Act, as enacted by the Statutes of Ontario, 1971, chapter 50, section 52, is repealed and the following substituted therefor:

Licence issue

- 2a.—(1) The Commissioner shall issue a licence to a person who makes application therefor in accordance with this Act and the regulations and pays the prescribed fee unless, after a hearing, he is of opinion that,
  - (a) the past conduct of the applicant or, where the applicant is a corporation, of its officers or directors, affords reasonable grounds for belief that the operations that would be authorized by the licence will not be carried on in accordance with law;
  - (b) the applicant is not in a position to observe or carry out the provisions of this Act and the regulations or the conditions under which the licence is issued; or
  - (c) any other ground for refusal to issue specified in the regulations exists.

Renewal

(2) Subject to section 2b, the Commissioner shall renew a licence on application therefor by the licensee in accordance with this Act and the regulations and payment of the prescribed fee.

ss. 5a, 5b, enacted

4. The said Act is amended by adding thereto the following sections:

Dealers' obligations

- 5a. Every live stock dealer and every dealer in live stock products shall,
  - (a) furnish security or proof of financial responsibility as required by the regulations;
  - (b) make payment for live stock or live stock products in the manner and in accordance with the conditions prescribed by the regulations; and

- (c) keep such books and records, make such returns and furnish such information, as are prescribed by the regulations.
- 5b.—(1) Where a fund for live stock or any class thereof is Regulations established under The Farm Products Payments Act, the Lieuten- R.S.O. 1970, ant Governor in Council, in regulations made under that Act, c. 163 may, for the purpose of that Act.
  - (a) designate as producers any class or classes of persons engaged in selling such live stock or class thereof, as owners or otherwise, and may limit the extent of any such designation;
  - (b) designate classes of dealers and producers and prescribe different fees payable by different classes to the board constituted to administer the fund, and require the payment of such fees:
  - (c) provide that the fees payable by any class or classes of producers or persons designated as producers to the board constituted to administer the fund may be collected in the same manner as licence fees fixed under clause b of subsection 1 of section 5 of The Beef Cattle R.S.O. 1970. Marketing Act; and
  - (d) exempt any class or classes of producers or persons designated as producers from the application of The R.S.O. 1970, Farm Products Payments Act or the regulations made c. 163 under that Act, or any part thereof.
- (2) For the purposes of the fund mentioned in subsection 1, if, Power of at any time the amount standing to the credit of the fund is borrow insufficient for the purpose of making payments for claims under The Farm Products Payments Act, the board constituted to administer the fund may borrow such sums as are necessary to meet the deficit by loans from a chartered bank, loan company, trust company, credit union or other person.

(3) Upon the recommendation of the Minister, the Lieutenant Guarantee Governor in Council may, upon such terms as the Lieutenant Governor in Council considers proper, guarantee the payment of any loan or loans or any part thereof, together with interest thereon, made to the board for the purposes of subsection 2.

(4) The aggregate of the principal sum or sums guaranteed Amount under subsection 3 shall not exceed \$1,000,000 outstanding at any one time.

guarantee given under subsection 3 of this section.

Application of R.S.O. 1970, c. 109, s. 5a (2-6)

Non-application of certain subsections (6) Subsection 3 of section 3 and subsection 4 of section 5 of *The Beef Cattle Marketing Act* do not apply to fees imposed and collected under *The Farm Products Payments Act* and the regula-

(5) Subsections 2 to 6 of section 5a of The Ministry of Agriculture and Food Act apply with necessary modifications to a

tions made thereunder. **5.**—(1) Clauses j to u of subsection 1 of section 6 of the said Act are

repealed and the following substituted therefor:

- (j) regulating the production and sale of poultry and of eggs for the production of poultry;
- (k) classifying persons dealing in live stock or live stock products;
- (l) providing for the manner of issuing licences and prescribing their duration and the fees payable therefor;
- (m) prescribing the terms and conditions on which licences are issued;
- (n) providing grounds for refusal to issue or renew, suspension or revocation of licences in addition to the grounds mentioned in sections 2a or 2b, as the case may be;
- (o) prescribing forms and providing for their use;
- (φ) requiring the furnishing of security or proof of financial responsibility by live stock dealers or dealers in live stock products or any class thereof and providing for the administration, forfeiture and disposition of any moneys or securities so furnished;
- (q) prescribing the manner in which, and the conditions under which, a live stock dealer or dealer in live stock products or any class thereof shall make payment for live stock or live stock products or any class thereof;
- (r) prescribing the books and records to be kept, returns to be made and information to be furnished by live stock dealers or dealers in live stock products or any class thereof, and the places at which such books and records shall be kept;
- (s) designating animals or poultry as live stock for the purposes of this Act;

s. 6 (1), amended

- (t) designating animal or poultry products as live stock products for the purposes of this Act;
- (u) governing the seizure and detention of any live stock or live stock product by an inspector and prescribing the procedures therefor;
- (v) providing for the exemption from this Act or the regulations, or any provision thereof, of any person or class of persons.
- (2) The said section 6 is amended by adding thereto the following s. 6, subsection:
- (3) Any regulation may adopt by reference, in whole or in part Authority with such changes as the Lieutenant Governor in Council considerades, etc., ers necessary, any grade, standard or grade name established by reference under the *Canada Agricultural Products Standards Act*, as R.S.C. 1970. amended or re-enacted from time to time, and may require compliance with any such grade, standard or grade name so adopted, including any such changes.
- **6.** This Act comes into force on a day to be named by proclamation of Commence-the Lieutenant Governor.
- 7. The short title of this Act is The Live Stock and Live Stock Products Short title Amendment Act, 1980.

# An Act to amend The Live Stock and Live Stock Products Act

1st Reading
March 27th, 1980

2nd Reading April 15th, 1980

3rd Reading

April 22nd, 1980

THE HON. L. C. HENDERSON Minister of Agriculture and Food

Publications

-Bs6

4TH SESSION, 31ST LEGISLATURE, ONTARIO 29 ELIZABETH II, 1980

An Act to amend The Compensation for Victims of Crime Act, 1971

MR. KENNEDY

#### EXPLANATORY NOTES

The purpose of the Bill is to extend the eligibility for compensation under *The Compensation for Victims of Crime Act, 1971* to any person who has been convicted of an offence and sentenced to a term of imprisonment and whose conviction is subsequently quashed.

The circumstances under which such a person would be eligible for compensation are set out in the new subsection 2 of section 5. The person must have been convicted and sentenced to prison after having pleaded not guilty to the offence with which he was charged. Under the new subsection 2 of section 6, an application for compensation can be made when the decision quashing the conviction becomes final.

As set out in the new subsection 3 of section 7, the victim may receive compensation for expenses actually incurred and pecuniary losses resulting from the imprisonment and for legal expenses incurred in appealing the conviction.

In determining compensation, the Board, as set out in subsection 2 of section 17, must consider all of the circumstances surrounding the charge, conviction and quashing of the conviction including the behaviour of the victim.

Under the new subsection 6 of section 19, the Board may award a lump sum payment of up to \$15,000 to the victim. This is consistent with awards under subsection 1 of section 19.

Other amendments contained in the Bill are complementary to the above-noted amendments.

BILL 27 1980

## An Act to amend The Compensation for Victims of Crime Act, 1971

TER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1. Clause g of subsection 1 of section 1 of The Compensation for s.1(1)(g), re-enacted Victims of Crime Act, 1971, being chapter 51, is repealed and the following substituted therefor:
  - (g) "victim" means a person injured or killed in the circumstances set out in subsection 1 of section 5 or a person who is convicted of an offence and sentenced to a term of imprisonment and whose conviction is subsequently quashed in the circumstances set out in subsection 2 of section 5.
- 2. Section 5 of the said Act is amended by adding thereto the s.5, amended following subsection:
  - (2) Where a person is charged in Ontario with an offence Compensation to under a Statute of Canada or Ontario and, having pleaded imprisoned not guilty, is convicted and sentenced to a term of imprisonment and the conviction is subsequently quashed, the Board. on application therefor, may make an order that it, in its discretion exercised in accordance with this Act, considers proper for the payment of compensation to the victim.

- **3.**—(1) Section 6 of the said Act is amended by inserting after s. 6, "compensation" in the first line "under subsection 1 of section 5".
  - (2) The said section 6 is further amended by adding thereto 8.6, amended the following subsections:
  - (2) An application for compensation under subsection 2 Idem of section 5 shall not be made until the date on which the decision or order quashing the conviction becomes final and shall be made within one year of that date.

Final decision (3) For the purposes of subsection 2, a decision or order quashing a conviction becomes final when the guilt or innocence of the victim has been finally determined and no further right of appeal or right to apply for leave to appeal remains.

s.7(1), amended

**4.**—(1) Subsection 1 of section 7 of the said Act is amended by adding at the commencement thereof "In an application under subsection 1 of section 5".

s. 7, amended

(2) The said section 7 is amended by adding thereto the following subsection:

Idem

- (3) In an application under subsection 2 of section 5, compensation may be awarded for,
  - (a) expenses actually and reasonably incurred as a result of the victim's imprisonment;
  - (b) pecuniary loss incurred by the victim as a result of the victim's imprisonment during the period of imprisonment; and
  - (c) legal expenses actually and reasonably incurred in appealing the conviction.

s. 17, re-enacted **5.** Section 17 of the said Act, as amended by the Statutes of Ontario, 1973, chapter 34, section 1, is repealed and the following substituted therefor:

Considerations of Board 17.—(1) In determining whether to make an order for compensation under subsection 1 of section 5 and the amount thereof, the Board shall have regard to all relevant circumstances, including any behaviour of the victim that may have directly or indirectly contributed to his injury or death.

Idem

(2) In determining whether to make an order for compensation under subsection 2 of section 5 and the amount thereof, the Board shall have regard to all relevant circumstances surrounding the charge, conviction and quashing of the conviction including the behaviour of the victim.

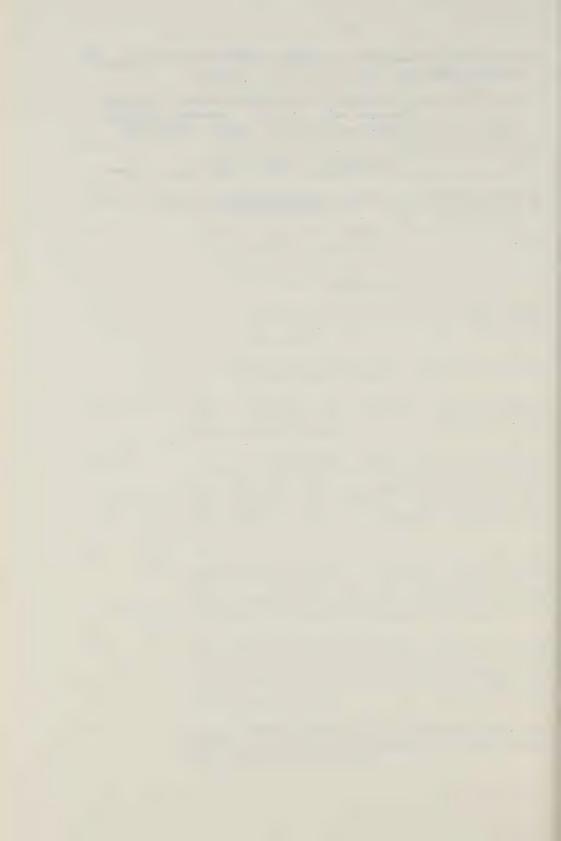
Idem

(3) The Board may, in its discretion, refuse to make an order for compensation under subsection 1 of section 5 where it is satisfied that the applicant has refused reasonable cooperation with, or failed to report promptly the offence to, a law enforcement agency.

Idem

(4) In assessing pecuniary loss, the Board shall take into consideration any benefit, compensation or indemnity payable to the applicant from any source.

- 6. Section 19 of the said Act is amended by adding thereto the s. 19, amended following subsection:
  - (6) The amount awarded by the Board to be paid in Maximum awards for respect of an application under subsection 2 of section 5 victim in shall not exceed \$15,000 and the amount awarded shall be under paid in a lump sum.
- 7. This Act comes into force on the day it receives Royal Assent. Commencement
- 8. The short title of this Act is The Compensation for Victims of Crime Short title Amendment Act, 1980.





# An Act to amend The Compensation for Victims of Crime Act, 1971

1st Reading
March 27th, 1980
2nd Reading

3rd Reading

MR. KENNEDY

(Private Member's Bill)

4TH SESSION, 31ST LEGISLATURE, ONTARIO 29 ELIZABETH II, 1980

An Act to amend The Business Practices Act, 1974

MR. EPP

#### EXPLANATORY NOTE

The purpose of the Bill is to provide that a failure by a retail seller to clearly mark the price of a product on the product is an unfair practice under the Act. If a retail seller commits an unfair practice in this manner, the enforcement procedures of the Act are available to ensure the seller's compliance in the future.

The Bill is intended to remedy some of the problems that have arisen through the use of the Uniform Product Code by retail businesses.

BILL 28 1980

# An Act to amend The Business Practices Act, 1974

ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- **1.** Section 1 of *The Business Practices Act, 1974*, being chapter 131, is s. 1, amended by adding thereto the following clauses:
  - (ga) "product" means an item of goods offered for sale;
  - (ha) "retail seller" means a person who, acting in the course of carrying on business, offers a product for sale but not for resale.
- **2.**—(1) Section 2 of the said Act is amended by adding thereto the s. 2, following clauses:
  - (d) a failure by a retail seller to mark on a product offered for sale to consumers conspicuously and plainly in arabic numerals, the purchase price of the product;
  - (e) an increase by the seller of the purchase price of a product after a product is first offered for sale to a price higher than the purchase price initially marked on the product.
  - (2) The said section 2 is further amended by adding thereto the s. 2, following subsection:
  - (2) For the purposes of clauses d and e of subsection 1, "prod-Interpretation" does not include,
    - (a) identical items within a multi-item package that is properly marked;
    - (b) unpackaged bulk or fresh produce;
    - (c) products contained in a vending machine;

- (d) food sold for consumption on the premises;
- (e) snack foods offered for sale in single packages and that weigh 142 grams or less;
- (f) tobacco products.

s. 4a, enacted 3. The said Act is amended by adding thereto the following section:

Where prices differ

4a. Where the purchase price marked on a product differs from the purchase price identified by a computer scanning device, the purchase price of the product shall be the lower of the two prices.

Commencement 4. This Act comes into force on the day it receives Royal Assent.

Short title

5. The short title of this Act is The Business Practices Amendment Act, 1980.







An Act to amend The Business Practices Act, 1974

1st Reading March 27th, 1980

2nd Reading

3rd Reading

MR. Epp

(Private Member's Bill)

4TH SESSION, 31ST LEGISLATURE, ONTARIO 29 ELIZABETH II, 1980

An Act respecting Election Public Opinion Polls

MR. SAMIS

### EXPLANATORY NOTE

This Bill prohibits the publishing and broadcasting of political opinion polls during an election where the polls relate to the outcome of the election, or the standing of any leader, candidate or party in the election.

BILL 29 1980

# An Act respecting Election Public Opinion Polls

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Interpre-

- (a) "candidate" means,
  - (i) a person who is duly nominated as a candidate for an electoral district in accordance with *The Election Act*,

    R.S.O. 1970,
  - (ii) a person who is nominated by a constituency association of a registered party in an electoral district as the official candidate of such party in the electoral district, or
  - (iii) a person who, on or after the date of the issue of a writ for an election in an electoral district, declares himself to be an independent candidate at the election in the electoral district;
- (b) "election" means an election to elect a member or members to serve in the Assembly;
- (c) "leader" means a leader of a political party registered under The Election Finances Reform Act, 1975; 1975, c. 12
- (d) "party" means a political party registered under The Election Finances Reform Act, 1975;
- (e) "publication" means a communication to the general public by means of newspaper, magazine or other periodical, broadcasting, or outdoor advertising facilities, and "publish" has a corresponding meaning;

(f) "public opinion poll" includes public opinion survey.

Prohibition re opinion polls 2. No person shall procure for publication, cause to be published or consent to the publication of a public opinion poll in respect of the outcome of an election or the standing of any leader, candidate or party in the election during the period from the issue of the writ for the election until the time the voting polls are officially closed.

Offence

**3.** Every person who contravenes any provision of this Act and every director or officer of a corporation who knowingly concurs in such contravention is guilty of an offence and on summary conviction is liable to a fine of not more than \$2,000 or to imprisonment for a term of not more than one year, or to both.

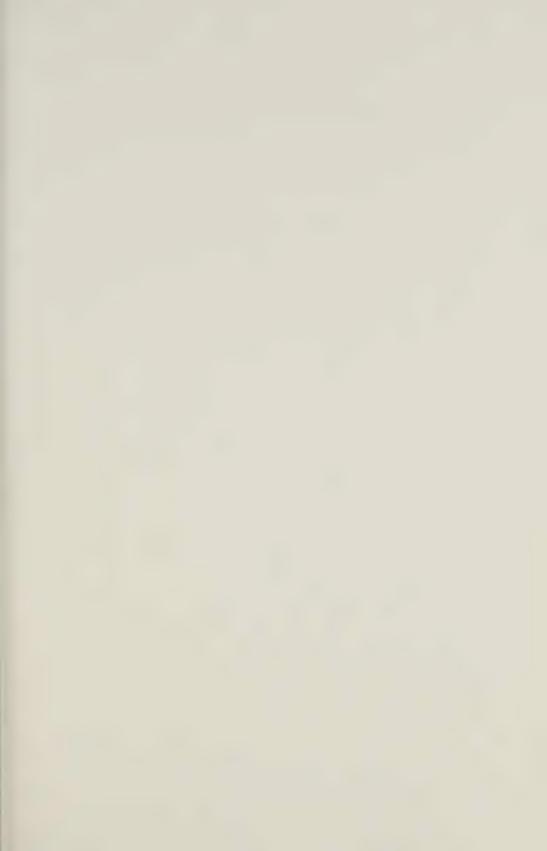
Corporation

**4.** Where a corporation is convicted of an offence under section 3, the maximum penalty that may be imposed upon the corporation is \$10,000, and not as provided therein.

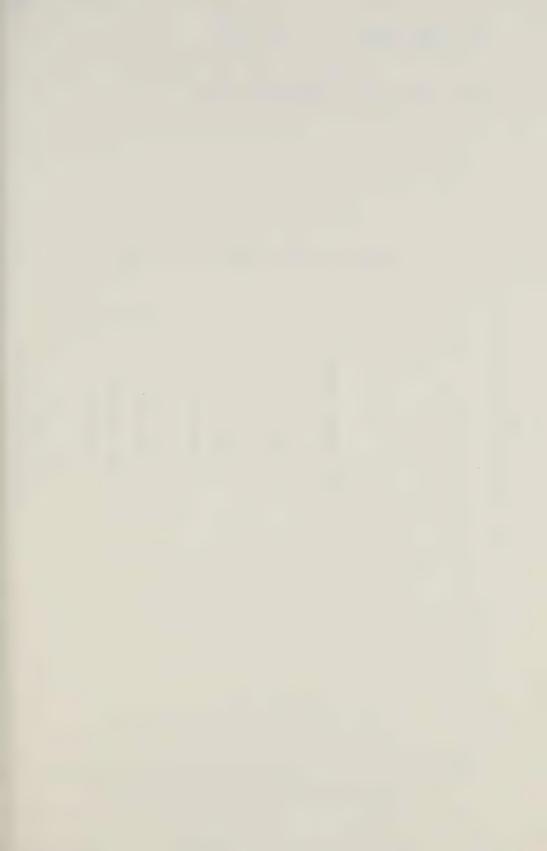
Commencement 5. This Act comes into force on the day it receives Royal Assent.

Short title

6. The short title of this Act is The Election Public Opinion Polls Act, 1980.







# An Act respecting Election . Public Opinion Polls

DILLIA W

1st Reading
March 27th, 1980

2nd Reading

3rd Reading

Mr. Samis

(Private Member's Bill)

BILL 30

Private Member's Bill

Publiceli

4TH SESSION, 31ST LEGISLATURE, ONTARIO
29 ELIZABETH II, 1980

An Act to provide for Class Actions

Mr. Lawlor

#### EXPLANATORY NOTE

The purpose of this Bill is to provide a statutory procedure whereby one or more persons may sue a defendant in the form of a class action.

The Bill is designed to achieve this purpose by permitting a person who wishes to sue on behalf of a class to apply for a court order authorizing the class action. Once the order is obtained, the action proceeds as a class action, and the final judgment binds all members of the class, except those who have been excluded, as well as the parties to the action.

BILL 30

1980

# An Act to provide for Class Actions

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1. In this Act, "Court" means the Supreme Court of Interpre-Ontario.
- 2.—(1) Where a person has a cause of action involving class questions of law or fact that are common to a class of persons, he may commence the action as representative party on behalf of the class.
- (2) An action under subsection 1 shall not be main-Order tained as a class action unless the person or persons suing as representative party has obtained an order of the Court permitting the action to proceed as a class action.
- **3.**—(1) A representative party may apply to the Court Where order for an order referred to in section 2, and the Court may granted make the order where it is satisfied that,
  - (a) the claims of the representative party are typical of the claims of the class;
  - (b) the questions of law or fact common to the members of the class predominate over any questions affecting only individual members;
  - (c) a class action is superior to other available methods for the fair and efficient adjudication of the controversy; and
  - (d) the representative party is acting in good faith and it is *prima facie* in the interests of the class that the action be maintained as a class action.
- (2) The Court shall not refuse to make an order under Where order this section on the ground only that,

- (a) the relief claimed in the action includes a claim for damages;
- (b) the relief claimed in the action arises out of or relates to separate contracts or transactions made with or entered into between members of the class and the defendant; or
- (c) any damages claimed for members of the class will require individual action.

#### Content of order

- (3) An order under subsection 1 shall,
  - (a) define the class on whose behalf the claim is brought;
  - (b) describe briefly the nature of the claim made and of the relief sought;
  - (c) state the questions of law or fact that are common to the class; and
  - (d) specify a date before which members of the class may exclude themselves from the class.

# Variation of order

(4) An order made under this section may be varied from time to time or rescinded by the Court if it thinks it fit and just to do so before judgment in the action.

# Notice of class action

4.—(1) Where an order is made under section 3, the Court may direct that notice in manner and form satisfactory to the Court be given to the members of the class or any of them advising them of the proceedings and of the date before which members of the class may exclude themselves from the class.

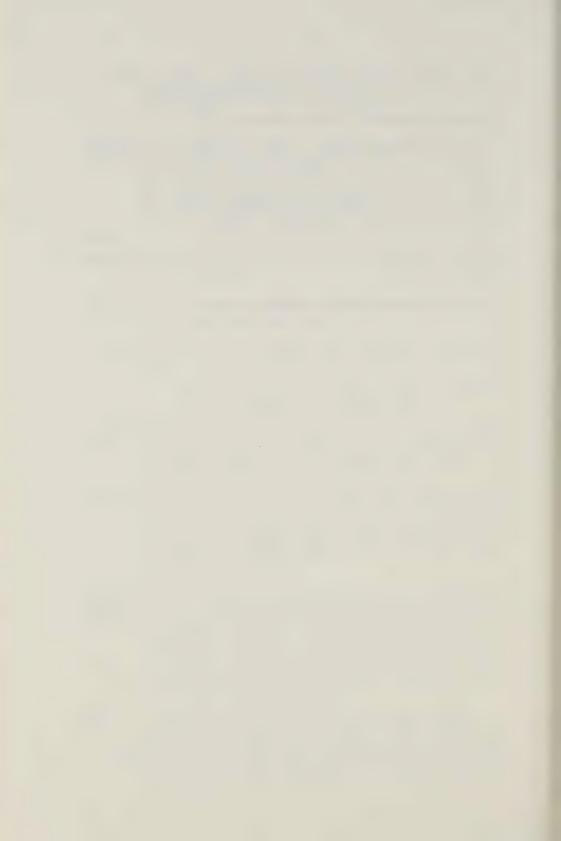
#### Statement of desire for exclusion from the class

(2) Where a person has notice that he is a member of a class on behalf of which a representative party is suing, he shall be excluded from the class by filing with the Court a statement of his desire to be excluded, in writing signed by him prior to the date specified in the order under section 3, and may be excluded, in the discretion of the Court, where the statement is filed subsequent to the date specified in the order and prior to judgment.

#### Judgment

**5.**—(1) The judgment in a class action constitutes a final judgment between each member of the class who was not excluded under section 4 and each person against whom the class action was taken in respect of those matters set out in the order under section 3.

- (2) Notwithstanding anything in subsection 1, the Court Idem may provide in the judgment for subsequent determination of the amount of compensation for loss or damage suffered by members of the class or any other issues.
- **6.** An action maintained as a class action shall not be Discontinuance, settled discontinued, settled or dismissed for want of prosecution ment, etc. without the approval of the Court, and, if the Court determines that the interests of the class may be substantially affected by such discontinuance, settlement or dismissal, the Court may direct that notice in manner, form and content satisfactory to the Court shall be given.
- 7. This Act comes into force on the day it receives Royal Commence-Assent.
  - 8. The short title of this Act is The Class Actions Act, 1980. Short title





An Act to provide for Class Actions

1st Reading March 27th, 1980

2nd Reading

3rd Reading

Mr. Lawlor

(Private Member's Bill)

3 B56

4TH SESSION, 31ST LEGISLATURE, ONTARIO 29 ELIZABETH II, 1980

An Act to amend The Credit Unions and Caisses Populaires Act, 1976 and to provide additional powers in certain other Acts with respect to Credit Unions and Caisses Populaires

THE HON. FRANK DREA Minister of Consumer and Commercial Relations

## EXPLANATORY NOTES

Section 1.—Subsection 1. The proposed amendment to section 102 of *The Credit Unions and Caisses Populaires Act, 1976* authorizes the Ontario Share and Deposit Insurance Corporation to act as a liquidator of the estate and effects of a credit union for the purpose of winding up its affairs and distributing its property.

Subsection 2. The proposed amendment to section 128 of the Act exempts the Ontario Share and Deposit Insurance Corporation, where it acts as liquidator, from the requirement that it obtain the written approval of the Director of Credit Unions before exercising the powers of a liquidator under clauses a, d, f, m or n of subsection 1 of section 128.

Sections 2, 5, 6 (2). The proposed amendments enable credit unions and caisses populaires to act as depositories for funds under *The Bailiffs Act, The Real Estate and Business Brokers Act* and *The Trustee Act*.

SECTIONS 3, 4, 6 (1). The proposed amendments authorize insurance companies licensed under *The Insurance Act*, loan corporations and trust companies registered under *The Loan and Trust Corporations Act* and trustees under *The Trustee Act* to invest in term deposits of credit unions and caisses populaires.

BILL 31 1980

An Act to amend The Credit Unions and Caisses Populaires Act, 1976 and to provide additional powers in certain other Acts with respect to Credit Unions and Caisses Populaires

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1.—(1) Section 102 of *The Credit Unions and Caisses Populaires Act*, <sup>1976</sup>, c. 62, 1976, being chapter 62, is amended by adding thereto the amended following clause:
  - (ba) act as a liquidator of the estate and effects of a credit union for the purpose of winding up its affairs and distributing its property.
  - (2) Section 128 of the said Act is amended by adding thereto the s. 128, following subsection:
  - (3a) Clause a of subsection 3 does not apply where the Ontario Share and Deposit Insurance Corporation is the liquidator.

    Ontario Share and Deposit Insurance Corporation is the liquidator.
- 2. Subsection 6 of section 11 of *The Bailiffs Act*, being chapter 38 of the R.S.O. 1970, Revised Statutes of Ontario, 1970, is amended by inserting after s. 11 (6), "Office" in the third line "a credit union, as defined in *The Credit* amended *Unions and Caisses Populaires Act*, 1976".
- **3.** Subsection 1 of section 383 of *The Insurance Act*, being chapter 224 R.S.O. 1970, of the Revised Statutes of Ontario, 1970, is amended by adding s. 383 (1), thereto the following clause:
  - (s) term deposits accepted by a credit union as defined in The Credit Unions and Caisses Populaires Act, 1976. 1976, c. 62
- **4.** Subsection 1 of section 150 of *The Loan and Trust Corporations Act*, R.S.O. 1970, being chapter 254 of the Revised Statutes of Ontario, 1970, as s. 150 (1), amended by the Statutes of Ontario, 1972, chapter 101, section 18, amended is further amended by adding thereto the following clause:
  - (q) term deposits accepted by a credit union as defined in The Credit Unions and Caisses Populaires Act, 1976.

R.S.O. 1970, c. 401, s. 31 (1), amended **5.** Subsection 1 of section 31 of *The Real Estate and Business Brokers Act*, being chapter 401 of the Revised Statutes of Ontario, 1970, is amended by inserting after "company" in the second line "credit union, as defined in *The Credit Unions and Caisses Populaires Act*, 1976".

R.S.O. 1970, c. 470, s. 26, amended **6.**—(1) Section 26 of *The Trustee Act*, being chapter 470 of the Revised Statutes of Ontario, 1970, is amended by adding thereto the following clause:

1976, c. 62

(h) term deposits accepted by a credit union as defined in The Credit Unions and Caisses Populaires Act, 1976.

s. 28, amended (2) Section 28 of the said Act is amended by adding at the end thereof "or in any credit union as defined in *The Credit Unions and Caisses Populaires Act*, 1976".

1971, c. 66, s. 6d (1), amended 7.—(1) Subsection 1 of section 6d of The Ministry of Colleges and Universities Act, 1971, being chapter 66, as enacted by the Statutes of Ontario, 1973, chapter 86, section 3, is amended by inserting after "applies" in the fifth line "or by a credit union, as defined in The Credit Unions and Caisses Populaires Act, 1976".

s. 6e (1), amended

(2) Subsection 1 of section 6e of the said Act, as enacted by the Statutes of Ontario, 1975, chapter 29, section 1, is amended by inserting after "bank" in the second line and in the fourth line "or credit union".

s. 6e (2), (a, c, d, h, i, j), amended (3) Clauses *a*, *c*, *d*, *h*, *i* and *j* of subsection 2 of the said section 6*e* are amended by inserting after "bank" where it occurs in each instance "or credit union".

s. 6e (2), (e, f, g), amended (4) Clauses *e*, *f* and *g* of subsection 2 of the said section 6*e* are amended by inserting after "banks" where it occurs in each instance "or credit unions".

Commencement 8. This Act comes into force on the day it receives Royal Assent.

Short title

9. The short title of this Act is The Credit Unions and Caisses Populaires Statute Law Amendment Act, 1980.

Section 7. The proposed amendments to *The Ministry of Colleges and Universities Act, 1971* will enable credit unions and caisses populaires to make guaranteed student loans.





An Act to amend The Credit Unions and Caisses Populaires Act, 1976 and to provide additional powers in certain other Acts with respect to Credit Unions and Caisses Populaires

1st Reading March 28th, 1980

2nd Reading

3rd Reading

THE HON. FRANK DREA Minister of Consumer and Commercial Relations

(Government Bill)

BILL 31

Publications

4TH SESSION, 31ST LEGISLATURE, ONTARIO 29 ELIZABETH II, 1980

An Act to amend The Credit Unions and Caisses Populaires Act, 1976 and to provide additional powers in certain other Acts with respect to Credit Unions and Caisses Populaires

> THE HON. FRANK DREA Minister of Consumer and Commercial Relations



BILL 31 1980

An Act to amend The Credit Unions and Caisses Populaires Act, 1976 and to provide additional powers in certain other Acts with respect to Credit Unions and Caisses Populaires

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1.—(1) Section 102 of *The Credit Unions and Caisses Populaires Act*, <sup>1976</sup>, c. 62, 1976, being chapter 62, is amended by adding thereto the amended following clause:
  - (ba) act as a liquidator of the estate and effects of a credit union for the purpose of winding up its affairs and distributing its property.
  - (2) Section 128 of the said Act is amended by adding thereto the s. 128, following subsection:
  - (3a) Clause a of subsection 3 does not apply where the Ontario Share and Deposit Insurance Corporation is the liquidator.

    Ontario Share and Deposit Insurance Corporation is the liquidator.

Corporation

2. Subsection 6 of section 11 of *The Bailiffs Act*, being chapter 38 of the R.S.O. 1970, Revised Statutes of Ontario, 1970, is amended by inserting after s. 11 (6), "Office" in the third line "a credit union, as defined in *The Credit* amended *Unions and Caisses Populaires Act, 1976*".

- **3.** Subsection 1 of section 383 of *The Insurance Act*, being chapter 224 R.S.O. 1970. of the Revised Statutes of Ontario, 1970, is amended by adding s. 383 (1), thereto the following clause:
  - (s) term deposits accepted by a credit union as defined in The Credit Unions and Caisses Populaires Act, 1976. 1976, c. 62
- **4.** Subsection 1 of section 150 of *The Loan and Trust Corporations Act*, R.S.O. 1970. being chapter 254 of the Revised Statutes of Ontario, 1970, as s. 150 (1), amended by the Statutes of Ontario, 1972, chapter 101, section 18, amended is further amended by adding thereto the following clause:
  - (q) term deposits accepted by a credit union as defined in *The Credit Unions and Caisses Populaires Act, 1976.*

R.S.O. 1970, c. 401, s. 31 (1), amended 5. Subsection 1 of section 31 of *The Real Estate and Business Brokers Act*, being chapter 401 of the Revised Statutes of Ontario, 1970, is amended by inserting after "company" in the second line "credit union, as defined in *The Credit Unions and Caisses Populaires Act*, 1976".

R.S.O. 1970, c. 470, s. 26, amended **6.**—(1) Section 26 of *The Trustee Act*, being chapter 470 of the Revised Statutes of Ontario, 1970, is amended by adding thereto the following clause:

1976, c. 62

(h) term deposits accepted by a credit union as defined in The Credit Unions and Caisses Populaires Act, 1976.

s. 28, amended (2) Section 28 of the said Act is amended by adding at the end thereof "or in any credit union as defined in *The Credit Unions and Caisses Populaires Act*, 1976".

1971, c. 66, s. 6d (1), amended 7.—(1) Subsection 1 of section 6d of The Ministry of Colleges and Universities Act, 1971, being chapter 66, as enacted by the Statutes of Ontario, 1973, chapter 86, section 3, is amended by inserting after "applies" in the fifth line "or by a credit union, as defined in The Credit Unions and Caisses Populaires Act, 1976".

s. 6e (1), amended (2) Subsection 1 of section 6e of the said Act, as enacted by the Statutes of Ontario, 1975, chapter 29, section 1, is amended by inserting after "bank" in the second line and in the fourth line "or credit union".

s. 6e (2), (a, c, d, h, i, j), amended (3) Clauses *a*, *c*, *d*, *h*, *i* and *j* of subsection 2 of the said section 6*e* are amended by inserting after "bank" where it occurs in each instance "or credit union".

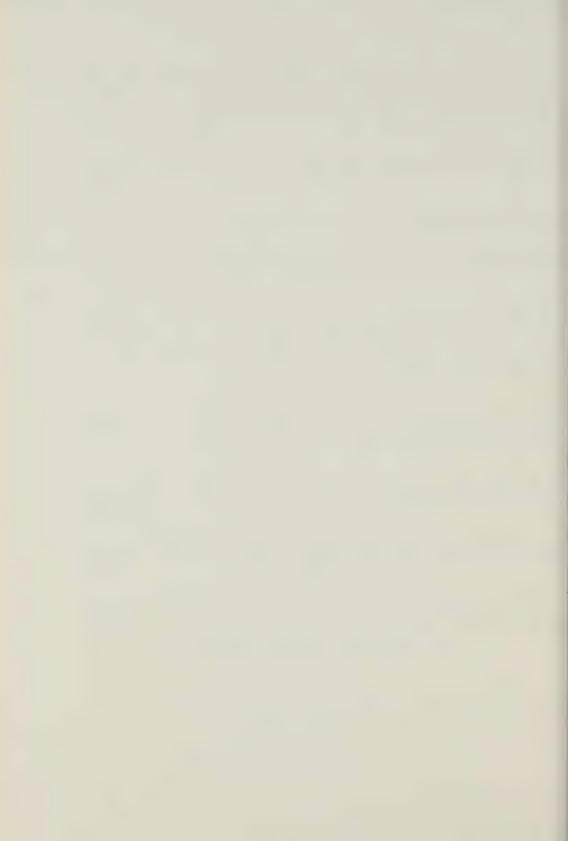
s. 6e (2), (e, f, g), amended (4) Clauses *e*, *f* and *g* of subsection 2 of the said section 6*e* are amended by inserting after "banks" where it occurs in each instance "or credit unions".

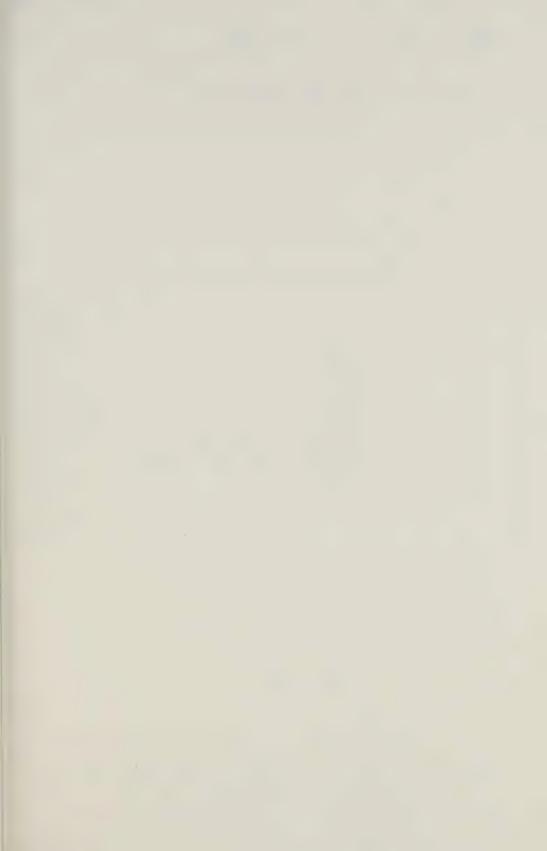
Commencement 8. This Act comes into force on the day it receives Royal Assent.

Short title

9. The short title of this Act is The Credit Unions and Caisses Populaires Statute Law Amendment Act, 1980.







An Act to amend The Credit Unions and Caisses Populaires Act, 1976 and to provide additional powers in certain other Acts with respect to Credit Unions and Caisses Populaires

1st Reading

March 28th, 1980

2nd Reading

April 22nd, 1980

3rd Reading

April 29th, 1980

THE HON. FRANK DREA Minister of Consumer and Commercial Relations

4TH SESSION, 31ST LEGISLATURE, ONTARIO
29 ELIZABETH II, 1980 Legislati

Government Bill

An Act to amend The Telephone Act

THE HON. J. W. SNOW Minister of Transportation and Communications

### EXPLANATORY NOTE

Section 96 of the Act permits telephone systems to enter into agreements providing for joint operations, reciprocal use of lines, etc., and apportioning of tolls and expenditures. These agreements are not valid until approved by the Commission.

The Act currently authorizes the Commission to either approve an agreement in its entirety or to reject it. One of the new provisions authorizes the Commission to approve an agreement with amendments. The other new provision permits one party to a proposed agreement to apply to the Commission to have the Commission specify terms to be included in the agreement where the parties themselves are unable to agree and where it is in the public interest that an agreement be formed.

BILL 32 1980

## An Act to amend The Telephone Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- **1.** Section 96 of *The Telephone Act*, being chapter 457 of the Revised s. 96, Statutes of Ontario, 1970, is amended by adding thereto the following subsections:
  - (2) Where it is in the public interest for two or more telephone Idem systems to enter into an agreement under subsection 1 and the parties to the proposed agreement are unable to agree on the terms that are to be included in the agreement, any telephone system having an interest in the proposed agreement may apply to the Commission, and the Commission after such inquiry as it considers necessary, may direct specified terms to be included in the agreement.
  - (3) On an application for approval of an agreement entered into Amending under subsection 1, the Commission, after such inquiry as it considers necessary, may make any amendment to the agreement that it considers to be in the public interest.
- 2. This Act comes into force on the day it receives Royal Assent. Commencement

3. The short title of this Act is The Telephone Amendment Act, 1980. Short title

An Act to amend The Telephone Act

1st Reading April 1st, 1980

2nd Reading

3rd Reading

THE HON. J. W. SNOW Minister of Transportation and Communications

(Government Bill)

J oblications

4TH SESSION, 31ST LEGISLATURE, ONTARIO 29 ELIZABETH II, 1980

An Act to amend The Telephone Act

The Hon. J. W. Snow Minister of Transportation and Communications



BILL 32 1980

## An Act to amend The Telephone Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1. Section 96 of *The Telephone Act*, being chapter 457 of the Revised s. 96. Statutes of Ontario, 1970, is amended by adding thereto the following subsections:
  - (2) Where it is in the public interest for two or more telephone Idem systems to enter into an agreement under subsection 1 and the parties to the proposed agreement are unable to agree on the terms that are to be included in the agreement, any telephone system having an interest in the proposed agreement may apply to the Commission, and the Commission after such inquiry as it considers necessary, may direct specified terms to be included in the agreement.
  - (3) On an application for approval of an agreement entered into Amending under subsection 1, the Commission, after such inquiry as it considers necessary, may make any amendment to the agreement that it considers to be in the public interest.
- 2. This Act comes into force on the day it receives Royal Assent. Commencement
- 3. The short title of this Act is The Telephone Amendment Act, 1980. Short title

An Act to amend The Telephone Act

1st Reading
April 1st, 1980

2nd Reading April 22nd, 1980

3rd Reading

April 28th, 1980

The Hon. J. W. Snow Minister of Transportation and Communications B56

Government Bill

4TH SESSION, 31ST LEGISLATURE, ONTARIO
29 ELIZABETH II, 1980

An Act to amend
The Public Transportation and Highway Improvement Act

THE HON. J. W. SNOW Minister of Transportation and Communications

#### EXPLANATORY NOTES

SECTION 1. Self-explanatory.

Section 2. Section 20 of the Act now provides that the Minister may enter into an agreement with a municipality providing for the preparation of a report in respect of transportation or providing for an experimental project relating to transportation. Authority exists for the Minister to pay up to 75 per cent of the cost. The section, as recast, adds public utilities commissions as parties with whom the Minister may deal.

SECTION 3. Section 31 of the Act prohibits the building, etc., of structures, hedges, etc., within certain specified distances from the King's Highway. The fine for contravention of these provisions is being increased to a minimum of \$50 and a maximum of \$500 for the first offence from a minimum of \$10 and a maximum of \$100 and to a minimum of \$200 and a maximum of \$1,000 for subsequent offences from a minimum of \$50 and a maximum of \$500.

BILL 33 1980

# An Act to amend The Public Transportation and Highway Improvement Act

ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1. Section 1 of *The Public Transportation and Highway Improvement* s. 1, *Act*, being chapter 201 of the Revised Statutes of Ontario, 1970, is amended by adding thereto the following clause:
  - (ja) "public utilities commission" means a commission or board having the control and management of a public utility undertaking in a municipality.
- 2. Section 20 of the said Act, as re-enacted by the Statutes of Ontario, s. 20, 1977, chapter 53, section 1, is repealed and the following substituted therefor:
  - 20.—(1) The Minister may enter into an agreement with any Transport-municipality, including a district, metropolitan or regional study municipality, or with any public utilities commission for the preparation of a report on the whole or any part of the transportation or highway system required to meet the needs of the municipality and the Minister may direct payment out of moneys appropriated therefor by the Legislature of a sum not exceeding 75 per cent of the cost of the report.
  - (2) The Minister may enter into an agreement with any municipality, including a district, metropolitan or regional municipality, experimental or with any public utilities commission to provide all or any part of project an experimental or demonstration project related to the transportation or highway system of the municipality and the Minister may direct payment out of moneys appropriated therefor by the Legislature of a sum not exceeding 75 per cent of the cost of the project.
- **3.** Subsection 8 of section 31 of the said Act is repealed and the s. 31 (8), following substituted therefor:
  - (8) Every person who contravenes any of the provisions of Offence subsection 2 or 3 or who fails to comply with a notice given under

subsection 5 is guilty of an offence and on summary conviction is liable to a fine of not less than \$50 and not more than \$500 for a first offence and not less than \$200 and not more than \$1,000 for any subsequent offence.

s. 33, amended **4.** Section 33 of the said Act, as re-enacted by the Statutes of Ontario, 1973, chapter 67, section 12, and amended by the Statutes of Ontario, 1976, chapter 41, section 3, is further amended by adding thereto the following subsection:

Designation not regulation within R.S.O. 1970, c. 410

(4) A designation under this section is not a regulation within the meaning of *The Regulations Act*.

s. 35 (8), re-enacted

**5.** Subsection 8 of section 35 of the said Act is repealed and the following substituted therefor:

Offence

(8) Every person who contravenes any of the provisions of subsection 2 or 3 or who fails to comply with a notice given under subsection 5 is guilty of an offence and on summary conviction is liable to a fine of not less than \$50 and not more than \$500 for a first offence and to a fine of not less than \$200 and not more than \$1,000 for any subsequent offence.

s. 63 (6), re-enacted **6.**—(1) Subsection 6 of section 63 of the said Act is repealed and the following substituted therefor:

Term of office

(6) The term of office of every member of a suburban roads commission expires with the 31st day of January of the year following the next municipal election held after his appointment and his successor shall be appointed after the council elected in that election assumes office.

s. 63 (12), amended (2) Subsection 12 of the said section 63 is amended by striking out "or of a municipal council" in the second line.

Present members R.S.O. 1970, c. 201 (3) Notwithstanding subsection 6 of section 63 of *The Public Transportation and Highway Improvement Act*, as re-enacted by subsection 1, members holding office on the day this Act comes into force remain in office until their respective terms expire.

s. 87c (1), amended

**7.** Subsection 1 of section 87*c* of the said Act, as enacted by the Statutes of Ontario, 1973, chapter 20, section 2, is amended by inserting after "municipality" in the first line "or a public utilities commission".

Commencement 8. This Act comes into force on the day it receives Royal Assent.

Short title

9. The short title of this Act is The Public Transportation and Highway Improvement Amendment Act, 1980.

Section 4. The Act provides that the Lieutenant Governor in Council may designate highways as controlled-access highways. These designations are currently treated as regulations under *The Regulations Act*. The new provision states that these designations are not regulations.

Section 5. Section 35 of the Act prohibits the building, etc., of structures, hedges, etc., within certain specified distances from controlled-access highways. The fine for contravention of these provisions is being increased in an identical manner to the increases set out in section 3 of the Bill.

SECTION 6.—Subsection 1. Section 63 of the Act now provides that members of a suburban roads commission hold office for a term of five years. The new provision basically provides that these members hold office for the same term as the council appointing them.

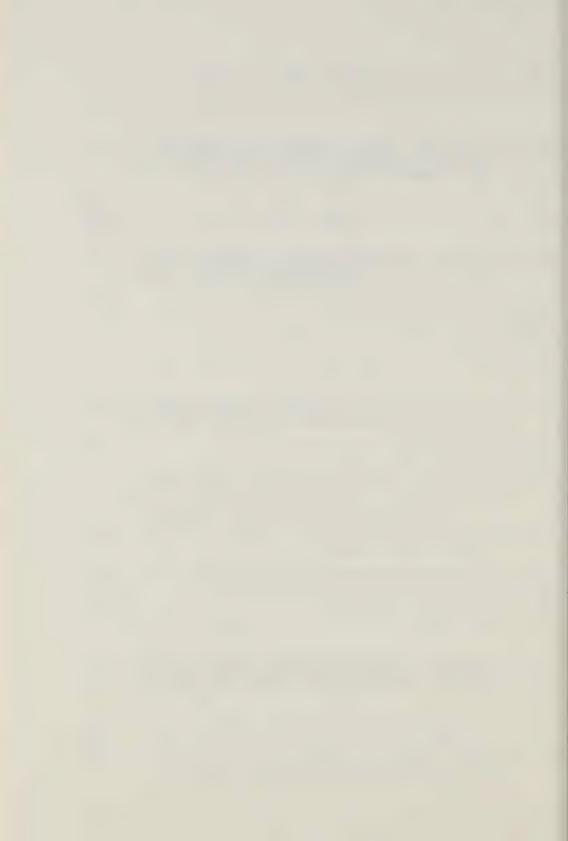
Subsection 2. Subsection 12 of section 63 of the Act now reads as follows:

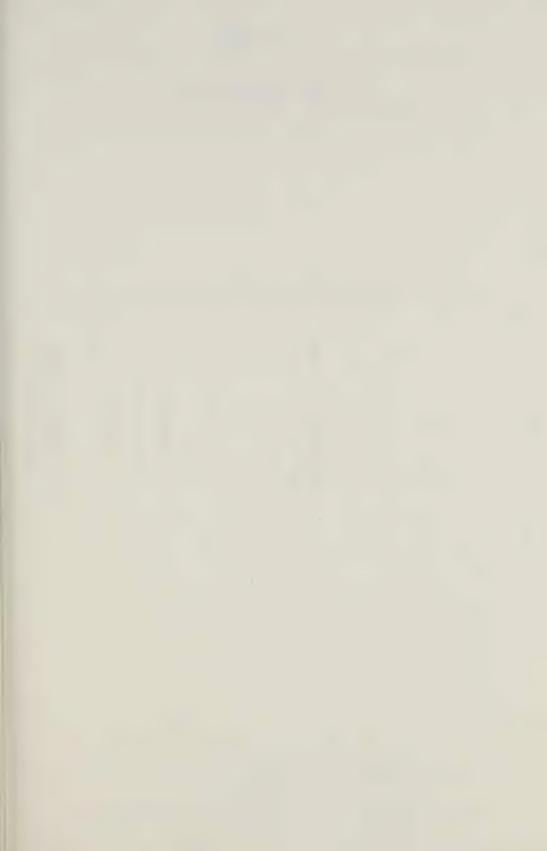
(12) Notwithstanding any general or special Act, no person who is a member of the Assembly or of a municipal council or who is an employee of a municipality is eligible to be a member of a suburban roads commission.

The words underlined are being deleted.

Subsection 3. This relates to subsection 1. Members of a commission currently in office will remain in office until their terms expire.

SECTION 7. The Act now provides that a municipality may submit a request to the Minister for allocation of moneys for rapid transit system construction. The amendment extends this provision so that it also applies to public utilities commissions.





An Act to amend The Public Transportation and Highway Improvement Act

1st Reading April 1st, 1980

2nd Reading

3rd Reading

THE HON. J. W. SNOW Minister of Transportation and Communications

(Government Bill)

4TH SESSION, 31ST LEGISLATURE, ÕNTARIO 29 ELIZABETH II, 1980

An Act to amend
The Public Transportation and Highway Improvement Act

The Hon. J. W. Snow Minister of Transportation and Communications



BILL 33 1980

# An Act to amend The Public Transportation and Highway Improvement Act

ERMAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1. Section 1 of *The Public Transportation and Highway Improvement* s. 1. *Act*, being chapter 201 of the Revised Statutes of Ontario, 1970, is amended by adding thereto the following clause:
  - (ja) "public utilities commission" means a commission or board having the control and management of a public utility undertaking in a municipality.
- **2.** Section 20 of the said Act, as re-enacted by the Statutes of Ontario, s. 20, 1977, chapter 53, section 1, is repealed and the following substituted therefor:
  - 20.—(1) The Minister may enter into an agreement with any Transport-municipality, including a district, metropolitan or regional study municipality, or with any public utilities commission for the preparation of a report on the whole or any part of the transportation or highway system required to meet the needs of the municipality and the Minister may direct payment out of moneys appropriated therefor by the Legislature of a sum not exceeding 75 per cent of the cost of the report.
  - (2) The Minister may enter into an agreement with any municipality, including a district, metropolitan or regional municipality, experimental or with any public utilities commission to provide all or any part of project an experimental or demonstration project related to the transportation or highway system of the municipality and the Minister may direct payment out of moneys appropriated therefor by the Legislature of a sum not exceeding 75 per cent of the cost of the project.
- **3.** Subsection 8 of section 31 of the said Act is repealed and the s. 31 (8). re-enacted following substituted therefor:
  - (8) Every person who contravenes any of the provisions of Omega subsection 2 or 3 or who fails to comply with a notice given under

subsection 5 is guilty of an offence and on summary conviction is liable to a fine of not less than \$50 and not more than \$500 for a first offence and not less than \$200 and not more than \$1,000 for any subsequent offence.

s. 33, amended **4.** Section 33 of the said Act, as re-enacted by the Statutes of Ontario, 1973, chapter 67, section 12, and amended by the Statutes of Ontario, 1976, chapter 41, section 3, is further amended by adding thereto the following subsection:

Designation not regulation within R.S.O. 1970, c. 410 s. 35 (8),

re-enacted

(4) A designation under this section is not a regulation within the meaning of  $The\ Regulations\ Act.$ 

**5.** Subsection 8 of section 35 of the said Act is repealed and the following substituted therefor:

Offence

(8) Every person who contravenes any of the provisions of subsection 2 or 3 or who fails to comply with a notice given under subsection 5 is guilty of an offence and on summary conviction is liable to a fine of not less than \$50 and not more than \$500 for a first offence and to a fine of not less than \$200 and not more than \$1,000 for any subsequent offence.

s. 63 (6), re-enacted **6.**—(1) Subsection 6 of section 63 of the said Act is repealed and the following substituted therefor:

Term of office

(6) The term of office of every member of a suburban roads commission expires with the 31st day of January of the year following the next municipal election held after his appointment and his successor shall be appointed after the council elected in that election assumes office.

s. 63 (12), amended (2) Subsection 12 of the said section 63 is amended by striking out "or of a municipal council" in the second line.

Present members R.S.O. 1970, c. 201

(3) Notwithstanding subsection 6 of section 63 of *The Public Transportation and Highway Improvement Act*, as re-enacted by subsection 1, members holding office on the day this Act comes into force remain in office until their respective terms expire.

s. 87c (1), amended

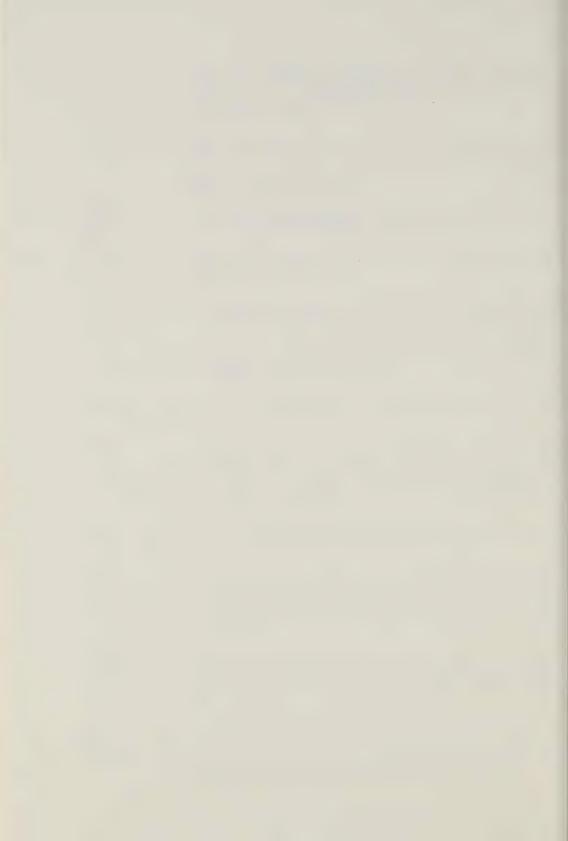
**7.** Subsection 1 of section 87*c* of the said Act, as enacted by the Statutes of Ontario, 1973, chapter 20, section 2, is amended by inserting after "municipality" in the first line "or a public utilities commission".

Commencement 8. This Act comes into force on the day it receives Royal Assent.

Short title

9. The short title of this Act is The Public Transportation and Highway Improvement Amendment Act, 1980.







An Act to amend The Public Transportation and Highway Improvement Act

1st Reading April 1st, 1980

2nd Reading April 22nd, 1980

3rd Reading
April 28th, 1980

THE HON. J. W. SNOW
Minister of Transportation and
Communications

B56

4TH SESSION, 31ST LEGISLATURE, ONTARIO 29 ELIZABETH II, 1980

The Elevating Devices Act, 1980

THE HON. FRANK DREA Minister of Consumer and Commercial Relations

#### EXPLANATORY NOTE

This Bill revises and combines *The Elevators and Lifts Act* and *The Construction Hoists Act*. In cases where similar provisions appeared in both Acts they were combined into one provision in the Bill.

The main new provisions are as follows:

- 1. An inspector is prohibited from entering a dwelling except with permission of the occupier or with a search warrant. (Subsection 3 of section 6)
- 2. Information acquired by an inspector shall not be disclosed except for the purpose of carrying out his duties. (Section 8)
- 3. An inspector may seal an unsafe elevating device to prevent its use. (Section 10)
- 4. Provision is made for registering contractors and limiting the registration to those devices that a contractor is qualified to work on. (Sections 13, 22)
- 5. Provision is made in respect of safe conduct by persons in and about elevating devices. (Section 17)
- 6. Procedure is set up for appeals where a licence or a registration is refused, suspended or revoked. (Sections 21-26)

The subject-matter that is covered by sections 17 and 21 to 26 of the Act is now covered by regulations.

In addition to the main substantive changes, there are changes of a house-keeping nature as well as of an administrative nature.

BILL 34 1980

## The Elevating Devices Act, 1980

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

### 1. In this Act,

Interpretation

- (a) "alteration" means an alteration or replacement, removal or addition of any component or part of an elevating device that results in, or may result in, a change in the original design, inherent safety or operational characteristics of the elevating device, and "altered" has a corresponding meaning;
- (b) "attendant" means a person who, as the whole or a part of his normal duties,
  - (i) operates an elevating device that is equipped with operating devices that are automatically rendered inoperative should an unsafe condition for operation of the elevating device arise, or
  - (ii) actively engages in or supervises the loading, passage or unloading of persons or freight on an elevating device;
- (c) "contractor" means a person who performs for his own benefit or for the benefit of another, with or without compensation, any work with respect to the installation, alteration, repair or maintenance of an elevating device or part thereof but does not include an employee;
- (d) "Deputy Minister" means the Deputy Minister of Consumer and Commercial Relations;
- (e) "design submission" means drawings, specifications, calculation sheets, work test certificates and any other information prescribed by regulation for an elevating

- device or part thereof submitted to the Ministry for the purpose of registration;
- (f) "Director" means the Director of the Elevating Devices Branch of the Ministry;
- (g) "elevating device" means a non-portable device for hoisting and lowering or moving persons or freight, and includes an elevator, dumbwaiter, escalator, moving walk, manlift, passenger ropeway, incline lift, construction hoist, stage lift, platform lift and stairway lift as defined in the regulations;
- (h) "freight" means any substance, article or thing;
- (i) "inspector" means an inspector appointed for the purposes of this Act;
- (j) "major alteration" means a major alteration as defined in the regulations;
- (k) "maximum capacity" means the weight that an elevating device is designed and constructed to carry safely as prescribed by the regulations;
- (l) "mechanic" means a person who has a minimum of four years work experience directly related to the work assigned to him and who has full knowledge of this Act and the regulations and of the codes applicable to the elevating device upon which he is assigned to work;
- (m) "Minister" means the Minister of Consumer and Commercial Relations;
- (n) "Ministry" means the Ministry of Consumer and Commercial Relations;
- (o) "operator" means a person who in the normal course of his duties,
  - (i) operates an elevating device that is equipped with operating devices that are not automatically rendered inoperative upon the arising of a condition rendering the operation of the elevating device unsafe, and
  - (ii) has direct and full control of any movement of the load-carrying unit of the elevating device;

- (p) "owner" includes the person in charge of an elevating device as owner, licensee, lessee, agent or otherwise, but does not include an attendant or operator as such;
- (q) "professional engineer" means a person who is a member of the Association of Professional Engineers of the Province of Ontario or who is licensed to practise as a professional engineer under *The Professional Engineers* R.S.O. 1970, Act;
- (r) "regulations" means the regulations made under this Act. R.S.O. 1970, c. 143, s. 1; R.S.O. 1970, c. 80, s. 1.

# **2.** This Act does not apply to,

Where Act does not apply

- (a) elevating devices in or in connection with private dwelling houses used exclusively by the occupants thereof and their guests unless the owner of the device requests that this Act be applied to it;
- (b) elevators and hoists within the meaning of *The Mining* R.S.O. 1970, *Act*;
- (c) feeding machines or belt, bucket, scoop, roller or similar type of freight conveyor or material handling device;
- (d) a lifting device that is an intermediate part of a fully automatic conveyor or material handling system;
- (e) freight ramps having a means of adjusting the slope of the ramp;
- (f) freight platforms, on which the riding of persons is prohibited, having a rise of two metres or less;
- (g) lubrication hoists or other similar mechanisms;
- (h) piling or stacking machines used within one storey;
- (i) elevating devices that are,
  - (i) installed in or adjacent to a barn, and
  - (ii) used by the proprietor of the barn or a tenant thereof exclusively for his agricultural purposes;
- (j) lifting devices that are,
  - (i) at each entrance mechanically loaded or unloaded by a conveyor or other fixed mechanism,

- (ii) so fenced in or guarded as to prevent persons from accidentally entering the hoistway,
- (iii) in a location inaccessible to the general public, and
- (iv) controlled by designated trained personnel only;
- (k) powered platforms that are designed to provide access to the exterior or interior of a building or structure and that consist of a suspended working platform, a roof car, or other suspension means and track or guidance systems;
- (l) automated window cleaning mechanisms;
- (m) dumbwaiters, having a car-floor area less than 0.2m², maximum capacity less than ten kilograms and the sill of every hoistway opening 0.8 metres or more above floor level; and
- (n) any class or subclass of elevating devices excluded by the regulations. R.S.O. 1970, c. 143, s. 2; R.S.O. 1970, c. 80, s. 2, amended.

Appointment of inspectors and Director **3.**—(1) Such inspectors as may be necessary to enforce this Act and the regulations may be appointed by the Deputy Minister and the Deputy Minister may designate one of the inspectors as the Director for the purposes of the general administration of this Act and the regulations including the supervision and direction of inspectors.

Certificate of appointment

(2) The Deputy Minister shall issue a certificate of appointment, bearing his signature or a facsimile thereof, to every inspector.

Production of certificate (3) Every inspector, while in the exercise of any of his powers or duties under this Act, shall produce his certificate of appointment upon request. *New*.

Special inspector

**4.** The Deputy Minister may authorize the Director to employ the services of a qualified person to inspect any elevating device, in which case and for such purpose only that person shall be deemed to be an inspector. R.S.O. 1970, c. 143, s. 5, amended.

Right to examine person under oath 5. For the purpose of an inspection or an investigation under this Act, the Director may, by notice in writing, require the attendance before him of any person at the time and place named in the notice and may then and there examine such person under oath regarding any matter pertaining to the inspection or investigation. R.S.O. 1970, c. 143, s. 9.

**6.**—(1) An inspector may, for the purposes of carrying out his Powers of duties under this Act and the regulations,

- (a) subject to subsection 3, at any time without a warrant, enter in or upon any premises where he has reason to believe that an elevating device is being installed or operated and inspect an elevating device;
- (b) require the production of any licence, drawings, notice, document, report or record required by this Act or the regulations and examine and copy the same and may require information from any person concerning any matter related to an elevating device or the handling or use thereof;
- (c) by notice in writing, require an owner to prepare his elevating device or any part thereof for inspection;
- (d) require the owner, attendant, operator, contractor or any user of an elevating device to do or refrain from doing anything the inspector considers necessary during an inspection;
- (e) be accompanied by any person who has special or expert knowledge of any matter in relation to an elevating device or a part thereof or use thereof;
- (f) require the owner of an elevating device to conduct at his own expense such tests as the inspector specifies;
- (g) alone, or in conjunction with such other person or persons possessing special or expert knowledge or skill as the Director designates, make such examinations, tests, inquiries as may be necessary to ascertain whether this Act and the regulations are being complied with, and for such purpose take or remove any material or part, subject to the owner being notified thereof. R.S.O. 1970, c. 143, ss. 9-11; R.S.O. 1970, c. 80, ss. 6-8, amended.
- (2) In carrying out his duties under this Act, an inspector shall Safety codes apply such safety codes as are prescribed by this Act and the regulations. R.S.O. 1970, c. 143, s. 8, amended.
- (3) An inspector shall not enter any room or place actually being used as a dwelling where the occupier refuses entry except under to enter the authority of a search warrant issued under section 142 of *The* 1979, c. 4 *Provincial Offences Act, 1979.* New.

Obstructing inspector prohibited

7.—(1) No person shall hinder, obstruct, molest or interfere with or attempt to hinder, obstruct, molest or interfere with an inspector in the exercise of a power or the performance of a duty under this Act and the regulations. R.S.O. 1970, c. 80, s. 17; R.S.O. 1970, c. 143, s. 17, amended.

Assisting inspector

(2) Every person shall furnish all necessary means in his power to facilitate any entry, inspection, examination or inquiry by an inspector in the exercise of his powers and duties under this Act and the regulations.

Failure to comply

(3) No person shall neglect or refuse to produce a licence, drawing, specification, record or report as required by an inspector under clause b of subsection 1 of section 6. New.

Providing information

(4) No person shall furnish an inspector with false information or neglect or refuse to furnish information required by an inspector in the exercise of his duties under this Act and the regulations. R.S.O. 1970, c. 143, s. 18; R.S.O. 1970, c. 80, s. 18, amended.

Disclosure of information

**8.**—(1) An inspector shall not publish, disclose or communicate to any person any information, record, report or statement acquired, furnished, obtained, made or received under the powers conferred under this Act and the regulations except for the purposes of carrying out his duties under this Act and the regulations.

Idem

(2) The Director may communicate or allow to be communicated, disclosed or published information, material, statements or test results acquired, furnished, obtained or made under the powers conferred under this Act and the regulations. *New*.

Liability of inspector

**9.**—(1) No action or other proceeding for damages lies or shall be instituted against an inspector for an act or omission by him in good faith in the execution or intended execution of any power or duty under this Act or the regulations. R.S.O. 1970, c. 143, s. 13, amended.

Liability of Crown R.S.O. 1970. (2) Subsection 1 does not, by reason of subsections 2 and 4 of section 5 of *The Proceedings Against the Crown Act*, relieve the Crown of liability in respect of a tort committed by an inspector to which it would otherwise be subject and the Crown is liable under that Act for any such tort in like manner as if subsection 1 had not been enacted. *New*.

Inspection order 10.—(1) Where an inspector finds that any provision of this Act or the regulations is being contravened, he may serve the person he believes to be the contravenor and that person's supervisor or employer, or any of them, an order in writing directing compliance with the provision and may require the order to be

carried out forthwith or within such time as is specified in the order.

- (2) An order under this section shall contain sufficient informa- Idem tion to specify the nature of the contravention.
- (3) Where in the opinion of an inspector there is a contravention Affixing of this Act or the regulations of such a nature as may pose a serious hazard to the safety of any person or property, he shall order that the elevating device in respect of which the contravention exists not be operated or used and shall affix a seal thereto.

- (4) Where a seal has been affixed to an elevating device under Idem subsection 3, no person shall remove the seal except an inspector or a mechanic authorized by an inspector for the purpose of making the elevating device conform to this Act and the regulations.
- (5) Any person aggrieved by an order made under this section Appeal of may appeal to the Director who shall hear and dispose of the appeal but such an appeal does not affect the operation of the order appealed from pending disposition of the appeal.

(6) An appeal under subsection 5 need not be made in writing, Idem but the Director may require the grounds for appeal to be specified in writing before the appeal is heard.

(7) On an appeal under this section, the Director may substitute Idem his findings or opinion for those of the inspector who made the order appealed from and may rescind or affirm the order or make a new order in substitution therefor and the order of the Director shall stand in place of and have the like effect under this Act as the order of the inspector.

(8) Where an elevating device or part thereof is found, after its Repairs to defective installation, to be unsafe or inherently defective, the Director may parts order such repairs as he considers necessary to be made within

- such time period as he specifies. New.
- 11.—(1) No person shall commence a new installation or Drawings and major alteration of an elevating device until a design submission to be therefor has been registered by the Director.
- (2) Application for registration under subsection 1 shall be in Idem accordance with the requirements prescribed by the regulations.
- (3) The Director may refuse to register a design submission Idem where,
  - (a) it does not comply with the requirements of this Act and the regulations:

- (b) it is not sealed by a professional engineer; or
- (c) it appears that it may result in an elevating device, the operation of which could pose a safety hazard to any person or property. R.S.O. 1970, c. 143, s. 15, amended.

Compliance with Act and regulations required **12.** No person shall construct, install, alter, repair, maintain or test an elevating device or part thereof except in accordance with this Act and the regulations. *New*.

Contractor to be registered **13.** No person shall act as a contractor unless he is registered as a contractor under this Act and no contractor who is registered under this Act shall offer or provide a service not authorized in his registration. *New*.

Contractor to take precautions **14.** A contractor shall take every precaution reasonable in the circumstances to ensure that his employees comply with this Act and the regulations. *New*.

Operation without inspection prohibited

**15.** No person shall put into service a newly installed elevating device or an elevating device to which a major alteration has been made until it has been inspected by an inspector and licensed in accordance with this Act and the regulations. *New*.

Operation of unsafe device prohibited **16.**—(1) No person shall operate an elevating device or cause or permit it to be operated if he has reason to believe that it is in an unsafe condition. R.S.O. 1970, c. 143, s. 22 (1); R.S.O. 1970, c. 80, s. 21 (2), amended.

Unsafe operation prohibited (2) No person shall operate an elevating device or cause or permit it to be operated in an unsafe manner. R.S.O. 1970, c. 143, s. 22 (2); R.S.O. 1970, c. 80, s. 21 (2), amended.

Excessive loads prohibited

(3) No person shall operate or use an elevating device or cause or permit it to be operated or used with a load in excess of its maximum capacity. R.S.O. 1970, c. 80, s. 23; R.S.O. 1970, c. 143, s. 23, amended.

Exception to subss. 1-3

(4) Subsections 1, 2 and 3 do not apply to an inspector, a person authorized by an inspector or a mechanic during the installation, alteration, repair, testing or inspection of an elevating device. R.S.O. 1970, c. 80, s. 23; R.S.O. 1970, c. 143, s. 24, amended.

Sealed device (5) No owner shall use or permit the use of an elevating device to which a seal has been affixed under section 10 until authorized in writing by an inspector. New.

- 17.—(1) No person shall conduct himself in or on an elevating Safe device or perform any work on an elevating device in such manner conduct as to,
  - (a) impair the safe operation of the elevating device; or
  - (b) endanger himself, any other person or freight.
- (2) No person shall remove, displace, interfere with or damage Removing, any device installed in or about an elevating device for its safe devices operation except,

- (a) a person making an inspection under this Act or the regulations; or
- (b) a contractor for the purpose of making a test or repair. New.
- 18. No person shall provide an elevating device or any part Renting, thereof for use by another person under any rental, leasing or other elevating arrangement if the elevating device or part thereof is in an unsafe device condition or otherwise not in conformance with this Act and the regulations. R.S.O. 1970, c. 80, s. 21 (3), amended.
- 19. The owner of an elevating device shall not operate it and Licence and shall ensure that it is not operated unless,

compliance required

- (a) it is licensed; and
- (b) it complies with this Act and the regulations. R.S.O. 1970, c. 143, ss. 19, 20, amended.
- 20. Where the operation of an elevating device requires that Where an attendant or operator be present, the owner of the device shall or ensure that the attendant or the operator, as the case may be, operator required complies with the requirements of this Act and the regulations. New.

21.—(1) Subject to subsection 2, the Director shall issue a Licence licence for an elevating device or a renewal thereof to an applicant for an elevating therefor, subject to such terms and conditions as are prescribed in device the regulations and as are agreed to by the applicant or licensee.

(2) Subject to section 23, the Director may refuse to grant or to Where renew a licence for an elevating device, or may suspend or revoke be refused, such a licence where,

revoked,

(a) the elevating device or the operation thereof does not comply with this Act or the regulations; or

(b) the holder of the licence has failed to comply with a notice or order of an inspector or is in contravention of this Act or the regulations. New.

Registration of contractor

**22.**—(1) Subject to subsection 2, the Director shall register a contractor under this Act subject to such terms and conditions as are prescribed in the regulations.

Where registration may be refused, revoked, etc

- (2) The Director may refuse to register or to renew the registration of a contractor or may suspend or revoke the registration of a contractor where,
  - (a) the applicant or registrant is in contravention of this Act, the regulations or a term or condition of his registration; or
  - (b) there are reasonable grounds to believe that the applicant or registrant is incompetent or lacks basic resources or requisite skills.

Limited registration

(3) Registration under subsection 1 may be limited to those classes of elevating devices that the Director considers the contractor to be qualified to service. *New*.

Notice of proposal

- **23.**—(1) Where the Director proposes,
  - (a) to refuse to grant or to renew a licence or registration;
  - (b) to suspend or revoke a licence or registration; or
  - (c) to limit a registration,

under section 21 or 22, he shall serve notice of his proposal together with written reasons therefor, on the applicant, licence holder or registrant, as the case may be.

Idem

(2) A notice under subsection 1 shall inform the applicant, licence holder or registrant that he is entitled to a hearing by a judge of the county or district court for the county or district in which he resides if he applies to a judge thereof within fifteen days after the notice under subsection 1 is served on him and he may so apply for such a hearing.

Power of Director where no hearing (3) Where an applicant, licence holder or registrant does not apply to a judge for a hearing in accordance with subsection 2, the Director may refuse to grant a licence or registration, or may carry out the proposal stated in his notice under subsection 1.

Appointment

(4) Where an applicant, licence holder or registrant applies to a judge for a hearing in accordance with subsection 2, the judge shall in writing appoint a time and place for and hold the hearing.

(5) Upon the application of the Director at the hearing, the Powers of judge may by order require the Director to grant the licence or hearing judge where registration, or permit him to carry out his proposal, or direct that such action as the judge considers proper be taken by the Director in accordance with this Act and the regulations and for such purposes the judge may substitute his opinion for that of the Director.

(6) The Director may serve notice under subsection 1 person- Service of ally or by registered mail addressed to the applicant, licence holder or registrant at his address last known to the Director and where notice is served by registered mail, the notice shall be deemed to have been served on the third day after the day of mailing unless the person to whom notice is being given establishes to the judge to whom he applies for a hearing that he did not, acting in good faith, through absence, accident, illness or other cause beyond his control receive the notice or order until a later date.

(7) A judge to whom application is made by an applicant, Extension of time for licence holder or registrant for a hearing under this section may application extend the time for making application, either before or after expiration of the time fixed therein, where he is satisfied that there are prima facie grounds for granting relief to the applicant, licence holder or registrant pursuant to a hearing and that there are reasonable grounds for applying for the extension, and may give such directions as he considers proper consequent upon the extension.

(8) Where, within the time prescribed therefor, or if no time is Continuation prescribed, prior to the expiry of his licence or registration, a renewal licence holder or registrant has applied for renewal of his licence or registration and paid the prescribed fee, his licence or registration shall be deemed to continue,

- (a) until the renewal is granted; or
- (b) where he is served with notice that the Director proposes to refuse to grant the renewal, until the time for applying for a hearing by a judge has expired and, where a hearing is applied for, until the judge has made his decision. New.
- 24.—(1) The Director, the applicant, the licence holder or Parties registrant who has applied for the hearing and such other persons as are specified by the judge are parties to the proceedings before a judge under section 23.
- (2) Notice of a hearing under section 23 shall afford to the Opportunity licence holder or registrant a reasonable opportunity to show or to compliance

achieve compliance before the hearing with all lawful requirements for the retention of the licence or registration.

Examination of documentary evidence

(3) An applicant, licence holder or registrant who is a party to proceedings under section 23 shall be afforded an opportunity to examine, before the hearing, any written or documentary evidence that will be produced or any report, the contents of which will be given in evidence at the hearing.

Recording evidence

(4) The oral evidence taken before a judge at a hearing shall be recorded and, if so required, copies or a transcript thereof shall be furnished upon the same terms as in the Supreme Court.

Findings of fact 1971, c. 47 (5) The findings of fact of a judge pursuant to a hearing shall be based exclusively on evidence admissible on matters that may be noticed under sections 15 and 16 of *The Statutory Powers Procedure Act*, 1971. New.

Appeal to Divisional Court **25.**—(1) Any party to proceedings before a judge under section 23 may appeal from the decision or order of the judge to the Supreme Court in accordance with the rules of court.

Record to

(2) Where notice of an appeal is served under this section, the judge shall forthwith file in the Supreme Court the record of the proceedings before him in which the decision or order was made, which, together with the transcript of the evidence before the judge if it is not part of the record of the judge, shall constitute the record in the appeal.

Minister entitled to be heard (3) The Minister is entitled to be heard by counsel or otherwise upon the argument of an appeal under this section.

Powers of court on appeal (4) The Supreme Court may, on the appeal, affirm the decision of the judge appealed from or may rescind it and make such new decision as the court considers proper under this Act and the regulations, and may order the Director to do any act or thing he is authorized to do under this Act and as the court considers proper, and for such purpose the court may substitute its opinion for that of the Director or of the judge, or the court may refer the matter back to the judge for rehearing, in whole or in part, in accordance with such directions as the court considers proper. New.

Interim suspension pending final appeal **26.** The Director, by notice to the licence holder or registrant and without a hearing, may provisionally refuse to renew or suspend the holder's licence or registrant's registration where in the Director's opinion it is necessary to do so for the immediate protection of any person or the public and the Director so states in such notice giving his reasons therefor, and thereafter section 23 applies as if the notice given under this section were a notice of a

proposal to revoke the licence or registration under section 23. New.

27. An elevating device shall be inspected by an inspector at Inspections such intervals as may be determined by the Director. R.S.O. 1970, c. 143, s. 6, amended.

# 28. A statement as to,

Certificate as evidence

- (a) the registration or non-registration of any person; or
- (b) the licensing or non-licensing of any elevating device,

purporting to be certified by the Director is, without proof of the office or signature of the Director, receivable in evidence as prima facie proof of the facts stated therein for all purposes in any action, proceeding or prosecution. New.

29.—(1) Where an accident occurs in connection with an Reporting elevating device that results in the death of or serious injury to any accidents person, the owner shall notify the Director by telephone forthwith

- (2) Where an accident occurs that causes injury to any person or Idem where there has been an incident involving an elevating device that indicates that the elevating device is in a potentially hazardous condition or where there has been a fire involving an elevating device, the owner and the contractor maintaining the elevating device shall notify the Director by telephone within twenty-four hours and shall submit a written report giving full particulars within seven days thereafter.
- (3) Where an accident of the type referred to in subsection 1 Wreckage occurs, no person, except for the purpose of rescuing a person disturbed injured in the accident, shall interfere with, disturb, destroy, carry away or alter any wreckage, article or thing at the scene of or connected with the accident until permission to do so is given by an inspector.

(4) On being notified of an accident or incident in accordance Investigation with this section, the Director shall cause such investigation to be made as he considers necessary. R.S.O. 1970, c. 143, s. 16, amended.

**30.**—(1) Every person who,

Offence

(a) contravenes or fails to comply with any provision of this Act or the regulations:

- (b) knowingly makes a false statement in any document required by this Act or the regulations;
- (c) contravenes or fails to comply with a term or condition of a licence or registration;
- (d) contravenes or fails to comply with an order or requirement of an inspector,

is guilty of an offence and on conviction is liable to a fine of not more than \$10,000 or to imprisonment for a term of not more than one year, or to both.

Idem

(2) Where a person contravenes any of the provisions of this Act or the regulations or any notice or order made thereunder on more than one day, each such day shall be deemed to constitute a separate offence. R.S.O. 1970, c. 143, s. 25; R.S.O. 1970, c. 80, s. 25, amended.

Regulations

- **31.**—(1) The Lieutenant Governor in Council may make regulations respecting the construction, installation, operation, maintenance and inspection of elevating devices and, in particular and without limiting the generality of the foregoing, may make regulations,
  - (a) designating classes or subclasses of elevating devices, parts thereof and equipment used in connection therewith;
  - (b) regulating the use, location, design, construction, installation, operation, removing, alteration, repair, maintenance, service, testing and inspection or elevating devices, parts thereof and equipment used in conjunction therewith;
  - (c) requiring and prescribing qualifications, training and experience for persons who are attendants, operators or mechanics, or who may perform any work on or in conjunction with, an elevating device or parts thereof, and prescribing their duties and responsibilities;
  - (d) prescribing requirements as to the form and content of a design submission under this Act, the application for registration thereof and the fees to be paid upon submission:
  - (e) governing the conduct of persons in or about elevating devices;

- (f) respecting the term, issue and renewal of licences and registrations, the transfer of licences and prescribing the fees therefor;
- (g) prescribing responsibilities and obligations of licensees or owners;
- (h) prescribing terms and conditions to which the registration of a contractor is subject;
- (i) designating organizations to test elevating devices or parts thereof to the standards designated under the regulations and providing for the placing of the label of such organization on elevating devices or parts thereof that conform to the standards;
- (j) prescribing forms, seals and tags and providing for their use;
- (k) providing for and requiring the keeping of records, log books, drawings, instructions and specifications on, and in conjunction with, the design, construction, installation, repair, maintenance, alteration and use of an elevating device or part thereof;
- (l) requiring and prescribing the form and location of notices and markings that are to be kept in or about elevating devices;
- (m) classifying inspections and prescribing the fees to be paid for inspections or witnessing tests by inspectors and prescribing by whom the fees shall be paid;
- (n) prescribing the fees to be paid for copies of any official document issued by the Ministry;
- (o) prescribing the circumstances under which expenses or special fees, or both, are to be paid and prescribing the special fees and designating the persons by whom such expenses or fees, or both, are to be paid;
- (p) exempting any person or any class of persons, and any elevating device or part thereof or any class or subclass of them, from compliance with this Act and the regulations or any of the provisions thereof. R.S.O. 1970, c. 143, s. 29 (1); R.S.O. 1970, c. 80, s. 27 (1), amended.
- (2) Any regulation may be made with respect to elevating Idem devices or with respect to any one or more of such class of

mechanism or with respect to any one or more subclasses thereof. R.S.O. 1970, c. 143, s. 29 (2).

Adoption of codes by reference

(3) A regulation may adopt by reference, in whole or in part, with such changes as the Lieutenant Governor in Council considers necessary, any code, and may require compliance with any code that is so adopted.

Definitions

(4) Any word or expression used in this Act or the regulations may be defined in the regulations for the purposes of the regulations. R.S.O. 1970, c. 80, s. 27 (3); R.S.O. 1970, c. 143, s. 29 (3).

Variance by Director (5) The Director may allow a variance from any code adopted under the regulations where, in his opinion, the variance would not detrimentally affect the safety of the elevating device.

Use of new codes, etc.

(6) The Director may authorize the use of a new code or standard or changes to established codes or standards necessary to accommodate technological advances for a limited time and subject to any terms and conditions specified. *New*.

Repeals

**32.** The Elevators and Lifts Act, being chapter 143 of the Revised Statutes of Ontario, 1970, The Construction Hoists Act, being chapter 80 of the Revised Statutes of Ontario, 1970, and section 39 of The Government Reorganization Act, 1972, being chapter 1, are repealed.

Commencement **33.** This Act comes into force on a day to be named by proclamation of the Lieutenant Governor.

Short title

**34.** The short title of this Act is *The Elevating Devices Act*, 1980.



The Elevating Devices Act, 1980

1st Reading
April 1st, 1980
2nd Reading

3rd Reading

THE HON. FRANK DREA Minister of Consumer and Commercial Relations

(Government Bill)

Crovernment

4TH SESSION, 31ST LEGISLATURE, ONTARIO 29 ELIZABETH II, 1980

The Elevating Devices Act, 1980

THE HON. FRANK DREA Minister of Consumer and Commercial Relations

(Reprinted as amended by the Committee of the Whole House)

### EXPLANATORY NOTE

This Bill revises and combines *The Elevators and Lifts Act* and *The Construction Hoists Act*. In cases where similar provisions appeared in both Acts they were combined into one provision in the Bill.

The main new provisions are as follows:

- An inspector is prohibited from entering a dwelling except with permission of the occupier or with a search warrant. (Subsection 3 of section 6)
- 2. Information acquired by an inspector shall not be disclosed except for the purpose of carrying out his duties. (Section 8)
- 3. An inspector may seal an unsafe elevating device to prevent its use. (Section 10)
- 4. Provision is made for registering contractors and limiting the registration to those devices that a contractor is qualified to work on. (Sections 13, 22)
- 5. Provision is made in respect of safe conduct by persons in and about elevating devices. (Section 17)
- 6. Procedure is set up for appeals where a licence or a registration is refused, suspended or revoked. (Sections 21-26)

The subject-matter that is covered by sections 17 and 21 to 26 of the  $\operatorname{Act}$  is now covered by regulations.

In addition to the main substantive changes, there are changes of a house-keeping nature as well as of an administrative nature.

BILL 34 1980

# The Elevating Devices Act, 1980

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

## 1. In this Act,

Interpretation

- (a) "alteration" means an alteration or replacement, removal or addition of any component or part of an elevating device that results in, or may result in, a change in the original design, inherent safety or operational characteristics of the elevating device, and "altered" has a corresponding meaning;
- (b) "attendant" means a person who, as the whole or a part of his normal duties,
  - (i) operates an elevating device that is equipped with operating devices that are automatically rendered inoperative should an unsafe condition for operation of the elevating device arise, or
  - (ii) actively engages in or supervises the loading, passage or unloading of persons or freight on an elevating device;
- (c) "contractor" means a person who performs for his own benefit or for the benefit of another, with or without compensation, any work with respect to the installation, alteration, repair or maintenance of an elevating device or part thereof but does not include an employee;
- (d) "Deputy Minister" means the Deputy Minister of Consumer and Commercial Relations;
- (e) "design submission" means drawings, specifications, calculation sheets, work test certificates and any other information prescribed by regulation for an elevating

device or part thereof submitted to the Ministry for the purpose of registration;

- (f) "Director" means the Director of the Elevating Devices Branch of the Ministry;
- (g) "elevating device" means a non-portable device for hoisting and lowering or moving persons or freight, and includes an elevator, dumbwaiter, escalator, moving walk, manlift, passenger ropeway, incline lift, construction hoist, stage lift, platform lift and stairway lift as defined in the regulations;
- (h) "freight" means any substance, article or thing;
- (i) "inspector" means an inspector appointed for the purposes of this Act;
- (j) "major alteration" means a major alteration as defined in the regulations;
- (k) "maximum capacity" means the weight that an elevating device is designed and constructed to carry safely as prescribed by the regulations;
- (l) "mechanic" means a person who has a minimum of four years work experience directly related to the work assigned to him and who has full knowledge of this Act and the regulations and of the codes applicable to the elevating device upon which he is assigned to work;
- (m) "Minister" means the Minister of Consumer and Commercial Relations:
- (n) "Ministry" means the Ministry of Consumer and Commercial Relations;
- (o) "operator" means a person who in the normal course of his duties,
  - (i) operates an elevating device that is equipped with operating devices that are not automatically rendered inoperative upon the arising of a condition rendering the operation of the elevating device unsafe, and
  - (ii) has direct and full control of any movement of the load-carrying unit of the elevating device;

- (p) "owner" includes the person in charge of an elevating device as owner, licensee, lessee, agent or otherwise, but does not include an attendant or operator as such;
- (q) "professional engineer" means a person who is a member of the Association of Professional Engineers of the Province of Ontario or who is licensed to practise as a professional engineer under *The Professional Engineers* R.S.O. 1970, Act;
- (r) "regulations" means the regulations made under this Act. R.S.O. 1970, c. 143, s. 1; R.S.O. 1970, c. 80, s. 1.

# 2. This Act does not apply to,

Where Act does not apply

- (a) elevating devices in or in connection with private dwelling houses used exclusively by the occupants thereof and their guests unless the owner of the device requests that this Act be applied to it;
- (b) feeding machines or belt, bucket, scoop, roller or similar type of freight conveyor or material handling device;
- (c) a lifting device that is an intermediate part of a fully automatic conveyor or material handling system;
- $\underline{(d)}$  freight ramps having a means of adjusting the slope of the ramp;
- $\underline{(e)}$  freight platforms, on which the riding of persons is prohibited, having a rise of two metres or less;
- (f) lubrication hoists or other similar mechanisms;
- (g) piling or stacking machines used within one storey;
- $\underline{(h)}$  elevating devices that are,
  - (i) installed in or adjacent to a barn, and
  - (ii) used by the proprietor of the barn or a tenant thereof exclusively for his agricultural purposes;
- (i) lifting devices that are,
  - (i) at each entrance mechanically loaded or unloaded by a conveyor or other fixed mechanism,

- (ii) so fenced in or guarded as to prevent persons from accidentally entering the hoistway,
- (iii) in a location inaccessible to the general public, and
- (iv) controlled by designated trained personnel only;
- (j) powered platforms that are designed to provide access to the exterior or interior of a building or structure and that consist of a suspended working platform, a roof car, or other suspension means and track or guidance systems;
- (k) automated window cleaning mechanisms;
- (l) dumbwaiters, having a car-floor area less than 0.2m², maximum capacity less than ten kilograms and the sill of every hoistway opening 0.8 metres or more above floor level; and
- (m) any class or subclass of elevating devices excluded by the regulations. R.S.O. 1970, c. 143, s. 2; R.S.O. 1970, c. 80, s. 2, amended.

Appointment of inspectors and Director 3.—(1) Such inspectors as may be necessary to enforce this Act and the regulations may be appointed by the Deputy Minister and the Deputy Minister may designate one of the inspectors as the Director for the purposes of the general administration of this Act and the regulations including the supervision and direction of inspectors.

Certificate of appointment (2) The Deputy Minister shall issue a certificate of appointment, bearing his signature or a facsimile thereof, to every inspector.

Production of certificate (3) Every inspector, while in the exercise of any of his powers or duties under this Act, shall produce his certificate of appointment upon request. *New*.

Special inspector

4. The Deputy Minister may authorize the Director to employ the services of a qualified person to inspect any elevating device, in which case and for such purpose only that person shall be deemed to be an inspector. R.S.O. 1970, c. 143, s. 5, amended.

Right to examine person under oath 5. For the purpose of an inspection or an investigation under this Act, the Director may, by notice in writing, require the attendance before him of any person at the time and place named in the notice and may then and there examine such person under oath regarding any matter pertaining to the inspection or investigation. R.S.O. 1970, c. 143, s. 9.

- **6.**—(1) An inspector may, for the purposes of carrying out his Powers of duties under this Act and the regulations,
  - (a) subject to subsection 3, at any time without a warrant, enter in or upon any premises where he has reason to believe that an elevating device is being installed or operated and inspect an elevating device;
  - (b) require the production of any licence, drawings, notice, document, report or record required by this Act or the regulations and examine and copy the same and may require information from any person concerning any matter related to an elevating device or the handling or use thereof;
  - (c) by notice in writing, require an owner to prepare his elevating device or any part thereof for inspection;
  - (d) require the owner, attendant, operator, contractor or any user of an elevating device to do or refrain from doing anything the inspector considers necessary during an inspection;
  - (e) be accompanied by any person who has special or expert knowledge of any matter in relation to an elevating device or a part thereof or use thereof;
  - (f) require the owner of an elevating device to conduct at his own expense such tests as the inspector specifies;
  - (g) alone, or in conjunction with such other person or persons possessing special or expert knowledge or skill as the Director designates, make such examinations, tests, inquiries as may be necessary to ascertain whether this Act and the regulations are being complied with, and for such purpose take or remove any material or part, subject to the owner being notified thereof. R.S.O. 1970, c. 143, ss. 9-11; R.S.O. 1970, c. 80, ss. 6-8, amended.
- (2) In carrying out his duties under this Act, an inspector shall Safety codes apply such safety codes as are prescribed by this Act and the regulations. R.S.O. 1970, c. 143, s. 8, amended.
- (3) An inspector shall not enter any room or place actually being Limit on used as a dwelling where the occupier refuses entry except under to enter the authority of a search warrant issued under section 142 of *The* 1979, c. 4 *Provincial Offences Act*, 1979. New.

Obstructing inspector prohibited

7.—(1) No person shall hinder, obstruct, molest or interfere with or attempt to hinder, obstruct, molest or interfere with an inspector in the exercise of a power or the performance of a duty under this Act and the regulations. R.S.O. 1970, c. 80, s. 17; R.S.O. 1970, c. 143, s. 17, amended.

Assisting inspector

(2) Every person shall furnish all necessary means in his power to facilitate any entry, inspection, examination or inquiry by an inspector in the exercise of his powers and duties under this Act and the regulations.

Failure to comply

(3) No person shall neglect or refuse to produce a licence, drawing, specification, record or report as required by an inspector under clause b of subsection 1 of section 6. New.

Providing information

(4) No person shall furnish an inspector with false information or neglect or refuse to furnish information required by an inspector in the exercise of his duties under this Act and the regulations. R.S.O. 1970, c. 143, s. 18; R.S.O. 1970, c. 80, s. 18, amended.

Disclosure of information

**8.**—(1) An inspector shall not publish, disclose or communicate to any person any information, record, report or statement acquired, furnished, obtained, made or received under the powers conferred under this Act and the regulations except for the purposes of carrying out his duties under this Act and the regulations.

Idem

(2) The Director may communicate or allow to be communicated, disclosed or published information, material, statements or test results acquired, furnished, obtained or made under the powers conferred under this Act and the regulations. *New*.

Liability of inspector

**9.**—(1) No action or other proceeding for damages lies or shall be instituted against an inspector for an act or omission by him in good faith in the execution or intended execution of any power or duty under this Act or the regulations. R.S.O. 1970, c. 143, s. 13, amended.

Liability of Crown R.S.O. 1970, (2) Subsection 1 does not, by reason of subsections 2 and 4 of section 5 of *The Proceedings Against the Crown Act*, relieve the Crown of liability in respect of a tort committed by an inspector to which it would otherwise be subject and the Crown is liable under that Act for any such tort in like manner as if subsection 1 had not been enacted. *New*.

Inspection order

10.—(1) Where an inspector finds that any provision of this Act or the regulations is being contravened, he may serve the person he believes to be the contravenor and that person's supervisor or employer, or any of them, an order in writing directing compliance with the provision and may require the order to be

carried out forthwith or within such time as is specified in the order.

- (2) An order under this section shall contain sufficient informa- Idem tion to specify the nature of the contravention.
- (3) Where in the opinion of an inspector there is a contravention of this Act or the regulations of such a nature as may pose a serious hazard to the safety of any person or property, he shall order that the elevating device in respect of which the contravention exists not be operated or used and shall affix a seal thereto.
- (4) Where a seal has been affixed to an elevating device under Idem subsection 3, no person shall remove the seal except an inspector or a mechanic authorized by an inspector for the purpose of making the elevating device conform to this Act and the regulations.
- (5) Any person aggrieved by an order made under this section Appeal of may appeal to the Director who shall hear and dispose of the appeal but such an appeal does not affect the operation of the order appealed from pending disposition of the appeal.
- (6) An appeal under subsection 5 need not be made in writing, Idem but the Director may require the grounds for appeal to be specified in writing before the appeal is heard.
- (7) On an appeal under this section, the Director may substitute <sup>Idem</sup> his findings or opinion for those of the inspector who made the order appealed from and may rescind or affirm the order or make a new order in substitution therefor and the order of the Director shall stand in place of and have the like effect under this Act as the order of the inspector.
- (8) Where an elevating device or part thereof is found, after its defective installation, to be unsafe or inherently defective, the Director may parts order such repairs as he considers necessary to be made within such time period as he specifies. New.
- **11.**—(1) No person shall commence a new installation or major alteration of an elevating device until a design submission to be therefor has been registered by the Director.
- (2) Application for registration under subsection 1 shall be in <sup>Idem</sup> accordance with the requirements prescribed by the regulations.
- (3) The Director may refuse to register a design submission Idem where,
  - (a) it does not comply with the requirements of this Act and the regulations;

- (b) it is not sealed by a professional engineer; or
- (c) it appears that it may result in an elevating device, the operation of which could pose a safety hazard to any person or property. R.S.O. 1970, c. 143, s. 15, amended.

Compliance with Act and regulations required **12.** No person shall construct, install, alter, repair, maintain or test an elevating device or part thereof except in accordance with this Act and the regulations. *New*.

Contractor to be registered **13.** No person shall act as a contractor unless he is registered as a contractor under this Act and no contractor who is registered under this Act shall offer or provide a service not authorized in his registration. *New*.

Contractor to take precautions **14.** A contractor shall take every precaution reasonable in the circumstances to ensure that his employees comply with this Act and the regulations. *New*.

Operation without inspection prohibited **15.** No person shall put into service a newly installed elevating device or an elevating device to which a major alteration has been made until it has been inspected by an inspector and licensed in accordance with this Act and the regulations. *New*.

Operation of unsafe device prohibited **16.**—(1) No person shall operate an elevating device or cause or permit it to be operated if he has reason to believe that it is in an unsafe condition. R.S.O. 1970, c. 143, s. 22 (1); R.S.O. 1970, c. 80, s. 21 (2), amended.

Unsafe operation prohibited (2) No person shall operate an elevating device or cause or permit it to be operated in an unsafe manner. R.S.O. 1970, c. 143, s. 22 (2); R.S.O. 1970, c. 80, s. 21 (2), amended.

Excessive loads prohibited (3) No person shall operate or use an elevating device or cause or permit it to be operated or used with a load in excess of its maximum capacity. R.S.O. 1970, c. 80, s. 23; R.S.O. 1970, c. 143, s. 23, amended.

Exception to subss. 1-3 (4) Subsections 1, 2 and 3 do not apply to an inspector, a person authorized by an inspector or a mechanic during the installation, alteration, repair, testing or inspection of an elevating device. R.S.O. 1970, c. 80, s. 23; R.S.O. 1970, c. 143, s. 24, amended.

Sealed device (5) No owner shall use or permit the use of an elevating device to which a seal has been affixed under section 10 until authorized in writing by an inspector. *New*.

- 17.—(1) No person shall conduct himself in or on an elevating Safe device or perform any work on an elevating device in such manner conduct as to,
  - (a) impair the safe operation of the elevating device; or
  - (b) endanger himself, any other person or freight.
- (2) No person shall remove, displace, interfere with or damage Removing, any device installed in or about an elevating device for its safe devices operation except,

- (a) a person making an inspection under this Act or the regulations; or
- (b) a contractor for the purpose of making a test or repair. New.
- 18. No person shall provide an elevating device or any part Renting, thereof for use by another person under any rental, leasing or other elevating arrangement if the elevating device or part thereof is in an unsafe device condition or otherwise not in conformance with this Act and the regulations. R.S.O. 1970, c. 80, s. 21 (3), amended.

19. The owner of an elevating device shall not operate it and Licence and shall ensure that it is not operated unless,

required

- (a) it is licensed; and
- (b) it complies with this Act and the regulations. R.S.O. 1970, c. 143, ss. 19, 20, amended.
- 20. Where the operation of an elevating device requires that Where an attendant or operator be present, the owner of the device shall or ensure that the attendant or the operator, as the case may be, operator required complies with the requirements of this Act and the regulations. New.

21.—(1) Subject to subsection 2, the Director shall issue a Licence licence for an elevating device or a renewal thereof to an applicant for an elevating therefor, subject to such terms and conditions as are prescribed in device the regulations and as are agreed to by the applicant or licensee.

(2) Subject to section 23, the Director may refuse to grant or to Where renew a licence for an elevating device, or may suspend or revoke be refused, such a licence where.

revoked,

(a) the elevating device or the operation thereof does not comply with this Act or the regulations; or

(b) the holder of the licence has failed to comply with a notice or order of an inspector or is in contravention of this Act or the regulations. New.

Registration of contractor

**22.**—(1) Subject to subsection 2, the Director shall register a contractor under this Act subject to such terms and conditions as are prescribed in the regulations.

Where registration may be refused, revoked, etc

- (2) The Director may refuse to register or to renew the registration of a contractor or may suspend or revoke the registration of a contractor where,
  - (a) the applicant or registrant is in contravention of this Act, the regulations or a term or condition of his registration; or
  - (b) there are reasonable grounds to believe that the applicant or registrant is incompetent or lacks basic resources or requisite skills.

Limited registration

(3) Registration under subsection 1 may be limited to those classes of elevating devices that the Director considers the contractor to be qualified to service. *New*.

Notice of proposal

- **23.**—(1) Where the Director proposes,
  - (a) to refuse to grant or to renew a licence or registration;
  - (b) to suspend or revoke a licence or registration; or
  - (c) to limit a registration,

under section 21 or 22, he shall serve notice of his proposal together with written reasons therefor, on the applicant, licence holder or registrant, as the case may be.

Idem

(2) A notice under subsection 1 shall inform the applicant, licence holder or registrant that he is entitled to a hearing by a judge of the county or district court for the county or district in which he resides if he applies to a judge thereof within fifteen days after the notice under subsection 1 is served on him and he may so apply for such a hearing.

Power of Director where no hearing (3) Where an applicant, licence holder or registrant does not apply to a judge for a hearing in accordance with subsection 2, the Director may refuse to grant a licence or registration, or may carry out the proposal stated in his notice under subsection 1.

Appointment for hearing (4) Where an applicant, licence holder or registrant applies to a judge for a hearing in accordance with subsection 2, the judge shall in writing appoint a time and place for and hold the hearing.

(5) Upon the application of the Director at the hearing, the Powers of judge may by order require the Director to grant the licence or hearing registration, or permit him to carry out his proposal, or direct that such action as the judge considers proper be taken by the Director in accordance with this Act and the regulations and for such purposes the judge may substitute his opinion for that of the Director.

(6) The Director may serve notice under subsection 1 person- Service of ally or by registered mail addressed to the applicant, licence holder or registrant at his address last known to the Director and where notice is served by registered mail, the notice shall be deemed to have been served on the third day after the day of mailing unless the person to whom notice is being given establishes to the judge to whom he applies for a hearing that he did not, acting in good faith, through absence, accident, illness or other cause beyond his control receive the notice or order until a later date.

(7) A judge to whom application is made by an applicant, Extension licence holder or registrant for a hearing under this section may application extend the time for making application, either before or after expiration of the time fixed therein, where he is satisfied that there are prima facie grounds for granting relief to the applicant, licence holder or registrant pursuant to a hearing and that there are reasonable grounds for applying for the extension, and may give such directions as he considers proper consequent upon the extension.

(8) Where, within the time prescribed therefor, or if no time is Continuation prescribed, prior to the expiry of his licence or registration, a renewal licence holder or registrant has applied for renewal of his licence or registration and paid the prescribed fee, his licence or registration shall be deemed to continue,

- (a) until the renewal is granted; or
- (b) where he is served with notice that the Director proposes to refuse to grant the renewal, until the time for applying for a hearing by a judge has expired and, where a hearing is applied for, until the judge has made his decision. New.
- 24.—(1) The Director, the applicant, the licence holder or Parties registrant who has applied for the hearing and such other persons as are specified by the judge are parties to the proceedings before a judge under section 23.
- (2) Notice of a hearing under section 23 shall afford to the Opportunity licence holder or registrant a reasonable opportunity to show or to compliance

achieve compliance before the hearing with all lawful requirements for the retention of the licence or registration.

Examination of documentary evidence

(3) An applicant, licence holder or registrant who is a party to proceedings under section 23 shall be afforded an opportunity to examine, before the hearing, any written or documentary evidence that will be produced or any report, the contents of which will be given in evidence at the hearing.

Recording evidence

(4) The oral evidence taken before a judge at a hearing shall be recorded and, if so required, copies or a transcript thereof shall be furnished upon the same terms as in the Supreme Court.

Findings of fact 1971, c. 47 (5) The findings of fact of a judge pursuant to a hearing shall be based exclusively on evidence admissible on matters that may be noticed under sections 15 and 16 of *The Statutory Powers Procedure Act*, 1971. New.

Appeal to Divisional Court **25.**—(1) Any party to proceedings before a judge under section 23 may appeal from the decision or order of the judge to the Supreme Court in accordance with the rules of court.

Record to be filed (2) Where notice of an appeal is served under this section, the judge shall forthwith file in the Supreme Court the record of the proceedings before him in which the decision or order was made, which, together with the transcript of the evidence before the judge if it is not part of the record of the judge, shall constitute the record in the appeal.

Minister entitled to be heard (3) The Minister is entitled to be heard by counsel or otherwise upon the argument of an appeal under this section.

Powers of court on appeal (4) The Supreme Court may, on the appeal, affirm the decision of the judge appealed from or may rescind it and make such new decision as the court considers proper under this Act and the regulations, and may order the Director to do any act or thing he is authorized to do under this Act and as the court considers proper, and for such purpose the court may substitute its opinion for that of the Director or of the judge, or the court may refer the matter back to the judge for rehearing, in whole or in part, in accordance with such directions as the court considers proper. *New*.

Interim suspension pending final appeal **26.** The Director, by notice to the licence holder or registrant and without a hearing, may provisionally refuse to renew or suspend the holder's licence or registrant's registration where in the Director's opinion it is necessary to do so for the immediate protection of any person or the public and the Director so states in such notice giving his reasons therefor, and thereafter section 23 applies as if the notice given under this section were a notice of a

proposal to revoke the licence or registration under section 23. New.

**27.** An elevating device shall be inspected by an inspector at Inspections such intervals as may be determined by the Director. R.S.O. 1970, c. 143, s. 6, amended.

#### **28.** A statement as to,

Certificate as evidence

- (a) the registration or non-registration of any person; or
- (b) the licensing or non-licensing of any elevating device.

purporting to be certified by the Director is, without proof of the office or signature of the Director, receivable in evidence as prima facie proof of the facts stated therein for all purposes in any action, proceeding or prosecution. New.

29.—(1) Where an accident occurs in connection with an Reporting elevating device that results in the death of or serious injury to any accidents person, the owner shall notify the Director by telephone forthwith

- (2) Where an accident occurs that causes injury to any person or Idem where there has been an incident involving an elevating device that indicates that the elevating device is in a potentially hazardous condition or where there has been a fire involving an elevating device, the owner and the contractor maintaining the elevating device shall notify the Director by telephone within twenty-four hours and shall submit a written report giving full particulars within seven days thereafter.
- (3) Where an accident of the type referred to in subsection 1 Wreckage occurs, no person, except for the purpose of rescuing a person disturbed injured in the accident, shall interfere with, disturb, destroy, carry away or alter any wreckage, article or thing at the scene of or connected with the accident until permission to do so is given by an inspector.

(4) On being notified of an accident or incident in accordance Investigation with this section, the Director shall cause such investigation to be made as he considers necessary. R.S.O. 1970, c. 143, s. 16, amended.

**30.**—(1) Every person who,

Offence

(a) contravenes or fails to comply with any provision of this Act or the regulations:

- (b) knowingly makes a false statement in any document required by this Act or the regulations;
- (c) contravenes or fails to comply with a term or condition of a licence or registration;
- (d) contravenes or fails to comply with an order or requirement of an inspector,

is guilty of an offence and on conviction is liable to a fine of not more than \$10,000 or to imprisonment for a term of not more than one year, or to both.

Idem

(2) Where a person contravenes any of the provisions of this Act or the regulations or any notice or order made thereunder on more than one day, each such day shall be deemed to constitute a separate offence. R.S.O. 1970, c. 143, s. 25; R.S.O. 1970, c. 80, s. 25, amended.

Regulations

- **31.**—(1) The Lieutenant Governor in Council may make regulations respecting the construction, installation, operation, maintenance and inspection of elevating devices and, in particular and without limiting the generality of the foregoing, may make regulations,
  - (a) designating classes or subclasses of elevating devices, parts thereof and equipment used in connection therewith;
  - (b) regulating the use, location, design, construction, installation, operation, removing, alteration, repair, maintenance, service, testing and inspection or elevating devices, parts thereof and equipment used in conjunction therewith;
  - (c) requiring and prescribing qualifications, training and experience for persons who are attendants, operators or mechanics, or who may perform any work on or in conjunction with, an elevating device or parts thereof, and prescribing their duties and responsibilities;
  - (d) prescribing requirements as to the form and content of a design submission under this Act, the application for registration thereof and the fees to be paid upon submission;
  - (e) governing the conduct of persons in or about elevating devices;

- (f) respecting the term, issue and renewal of licences and registrations, the transfer of licences and prescribing the fees therefor;
- (g) prescribing responsibilities and obligations of licensees or owners;
- (h) prescribing terms and conditions to which the registration of a contractor is subject;
- (i) designating organizations to test elevating devices or parts thereof to the standards designated under the regulations and providing for the placing of the label of such organization on elevating devices or parts thereof that conform to the standards;
- (j) prescribing forms, seals and tags and providing for their use;
- (k) providing for and requiring the keeping of records, log books, drawings, instructions and specifications on, and in conjunction with, the design, construction, installation, repair, maintenance, alteration and use of an elevating device or part thereof;
- (l) requiring and prescribing the form and location of notices and markings that are to be kept in or about elevating devices;
- (m) classifying inspections and prescribing the fees to be paid for inspections or witnessing tests by inspectors and prescribing by whom the fees shall be paid;
- (n) prescribing the fees to be paid for copies of any official document issued by the Ministry;
- (o) prescribing the circumstances under which expenses or special fees, or both, are to be paid and prescribing the special fees and designating the persons by whom such expenses or fees, or both, are to be paid;
- (p) exempting any person or any class of persons, and any elevating device or part thereof or any class or subclass of them, from compliance with this Act and the regulations or any of the provisions thereof. R.S.O. 1970, c. 143, s. 29 (1); R.S.O. 1970, c. 80, s. 27 (1), amended.
- (2) Any regulation may be made with respect to elevating Idem devices or with respect to any one or more of such class of

mechanism or with respect to any one or more subclasses thereof. R.S.O. 1970, c. 143, s. 29 (2).

Adoption of codes by reference

(3) A regulation may adopt by reference, in whole or in part, with such changes as the Lieutenant Governor in Council considers necessary, any code, and may require compliance with any code that is so adopted.

Definitions

(4) Any word or expression used in this Act or the regulations may be defined in the regulations for the purposes of the regulations. R.S.O. 1970, c. 80, s. 27(3); R.S.O. 1970, c. 143, s. 29(3).

Variance by Director (5) The Director may allow a variance from any code adopted under the regulations where, in his opinion, the variance would not detrimentally affect the safety of the elevating device.

Use of new codes, etc.

(6) The Director may authorize the use of a new code or standard or changes to established codes or standards necessary to accommodate technological advances for a limited time and subject to any terms and conditions specified. *New*.

Repeals

**32.** The Elevators and Lifts Act, being chapter 143 of the Revised Statutes of Ontario, 1970, The Construction Hoists Act, being chapter 80 of the Revised Statutes of Ontario, 1970, and section 39 of The Government Reorganization Act, 1972, being chapter 1, are repealed.

Commencement **33.** This Act comes into force on a day to be named by proclamation of the Lieutenant Governor.

Short title

34. The short title of this Act is The Elevating Devices Act, 1980.



The Elevating Devices Act, 1980

1st Reading April 1st, 1980

2nd Reading April 22nd, 1980

3rd Reading

THE HON. FRANK DREA Minister of Consumer and Commercial Relations

(Reprinted as amended by the Committee of the Whole House)

FBILL 34

4TH SESSION, 31ST LEGISLATURE, ONTARIO
29 ELIZABETH II, 1980 Regular

The Elevating Devices Act, 1980

THE HON. FRANK DREA Minister of Consumer and Commercial Relations



BILL 34 1980

# The Elevating Devices Act, 1980

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

### 1. In this Act,

Interpretation

- (a) "alteration" means an alteration or replacement, removal or addition of any component or part of an elevating device that results in, or may result in, a change in the original design, inherent safety or operational characteristics of the elevating device, and "altered" has a corresponding meaning;
- (b) "attendant" means a person who, as the whole or a part of his normal duties,
  - (i) operates an elevating device that is equipped with operating devices that are automatically rendered inoperative should an unsafe condition for operation of the elevating device arise, or
  - (ii) actively engages in or supervises the loading, passage or unloading of persons or freight on an elevating device;
- (c) "contractor" means a person who performs for his own benefit or for the benefit of another, with or without compensation, any work with respect to the installation, alteration, repair or maintenance of an elevating device or part thereof but does not include an employee;
- (d) "Deputy Minister" means the Deputy Minister of Consumer and Commercial Relations;
- (e) "design submission" means drawings, specifications, calculation sheets, work test certificates and any other information prescribed by regulation for an elevating

- device or part thereof submitted to the Ministry for the purpose of registration;
- (f) "Director" means the Director of the Elevating Devices Branch of the Ministry;
- (g) "elevating device" means a non-portable device for hoisting and lowering or moving persons or freight, and includes an elevator, dumbwaiter, escalator, moving walk, manlift, passenger ropeway, incline lift, construction hoist, stage lift, platform lift and stairway lift as defined in the regulations;
- (h) "freight" means any substance, article or thing;
- (i) "inspector" means an inspector appointed for the purposes of this Act;
- (j) "major alteration" means a major alteration as defined in the regulations;
- (k) "maximum capacity" means the weight that an elevating device is designed and constructed to carry safely as prescribed by the regulations;
- (l) "mechanic" means a person who has a minimum of four years work experience directly related to the work assigned to him and who has full knowledge of this Act and the regulations and of the codes applicable to the elevating device upon which he is assigned to work;
- (m) "Minister" means the Minister of Consumer and Commercial Relations;
- (n) "Ministry" means the Ministry of Consumer and Commercial Relations;
- (o) "operator" means a person who in the normal course of his duties,
  - (i) operates an elevating device that is equipped with operating devices that are not automatically rendered inoperative upon the arising of a condition rendering the operation of the elevating device unsafe, and
  - (ii) has direct and full control of any movement of the load-carrying unit of the elevating device;

- (p) "owner" includes the person in charge of an elevating device as owner, licensee, lessee, agent or otherwise, but does not include an attendant or operator as such;
- (q) "professional engineer" means a person who is a member of the Association of Professional Engineers of the Province of Ontario or who is licensed to practise as a professional engineer under *The Professional Engineers* R.S.O. 1970, Act;
- (r) "regulations" means the regulations made under this Act. R.S.O. 1970, c. 143, s. 1; R.S.O. 1970, c. 80, s. 1.

### 2. This Act does not apply to,

Where Act does not apply

- (a) elevating devices in or in connection with private dwelling houses used exclusively by the occupants thereof and their guests unless the owner of the device requests that this Act be applied to it;
- (b) feeding machines or belt, bucket, scoop, roller or similar type of freight conveyor or material handling device;
- (c) a lifting device that is an intermediate part of a fully automatic conveyor or material handling system;
- (d) freight ramps having a means of adjusting the slope of the ramp;
- (e) freight platforms, on which the riding of persons is prohibited, having a rise of two metres or less;
- (f) lubrication hoists or other similar mechanisms;
- (g) piling or stacking machines used within one storey;
- (h) elevating devices that are,
  - (i) installed in or adjacent to a barn, and
  - (ii) used by the proprietor of the barn or a tenant thereof exclusively for his agricultural purposes;
- (i) lifting devices that are,
  - (i) at each entrance mechanically loaded or unloaded by a conveyor or other fixed mechanism,

- (ii) so fenced in or guarded as to prevent persons from accidentally entering the hoistway,
- (iii) in a location inaccessible to the general public, and
- (iv) controlled by designated trained personnel only;
- (j) powered platforms that are designed to provide access to the exterior or interior of a building or structure and that consist of a suspended working platform, a roof car, or other suspension means and track or guidance systems;
- (k) automated window cleaning mechanisms;
- (l) dumbwaiters, having a car-floor area less than 0.2m<sup>2</sup>, maximum capacity less than ten kilograms and the sill of every hoistway opening 0.8 metres or more above floor level; and
- (m) any class or subclass of elevating devices excluded by the regulations. R.S.O. 1970, c. 143, s. 2; R.S.O. 1970, c. 80, s. 2, amended.

Appointment of inspectors and Director 3.—(1) Such inspectors as may be necessary to enforce this Act and the regulations may be appointed by the Deputy Minister and the Deputy Minister may designate one of the inspectors as the Director for the purposes of the general administration of this Act and the regulations including the supervision and direction of inspectors.

Certificate of appointment (2) The Deputy Minister shall issue a certificate of appointment, bearing his signature or a facsimile thereof, to every inspector.

Production of certificate

(3) Every inspector, while in the exercise of any of his powers or duties under this Act, shall produce his certificate of appointment upon request. *New*.

Special inspector

4. The Deputy Minister may authorize the Director to employ the services of a qualified person to inspect any elevating device, in which case and for such purpose only that person shall be deemed to be an inspector. R.S.O. 1970, c. 143, s. 5, amended.

Right to examine person under oath 5. For the purpose of an inspection or an investigation under this Act, the Director may, by notice in writing, require the attendance before him of any person at the time and place named in the notice and may then and there examine such person under oath regarding any matter pertaining to the inspection or investigation. R.S.O. 1970, c. 143, s. 9.

- **6.**—(1) An inspector may, for the purposes of carrying out his Powers of duties under this Act and the regulations,
  - (a) subject to subsection 3, at any time without a warrant, enter in or upon any premises where he has reason to believe that an elevating device is being installed or operated and inspect an elevating device;
  - (b) require the production of any licence, drawings, notice, document, report or record required by this Act or the regulations and examine and copy the same and may require information from any person concerning any matter related to an elevating device or the handling or use thereof;
  - (c) by notice in writing, require an owner to prepare his elevating device or any part thereof for inspection;
  - (d) require the owner, attendant, operator, contractor or any user of an elevating device to do or refrain from doing anything the inspector considers necessary during an inspection;
  - (e) be accompanied by any person who has special or expert knowledge of any matter in relation to an elevating device or a part thereof or use thereof;
  - (f) require the owner of an elevating device to conduct at his own expense such tests as the inspector specifies;
  - (g) alone, or in conjunction with such other person or persons possessing special or expert knowledge or skill as the Director designates, make such examinations, tests, inquiries as may be necessary to ascertain whether this Act and the regulations are being complied with, and for such purpose take or remove any material or part, subject to the owner being notified thereof. R.S.O. 1970, c. 143, ss. 9-11; R.S.O. 1970, c. 80, ss. 6-8, amended.
- (2) In carrying out his duties under this Act, an inspector shall Safety codes apply such safety codes as are prescribed by this Act and the regulations. R.S.O. 1970, c. 143, s. 8, amended.
- (3) An inspector shall not enter any room or place actually being used as a dwelling where the occupier refuses entry except under to enter the authority of a search warrant issued under section 142 of *The* 1979, c. 4 *Provincial Offences Act*, 1979. New.

Obstructing inspector prohibited

7.—(1) No person shall hinder, obstruct, molest or interfere with or attempt to hinder, obstruct, molest or interfere with an inspector in the exercise of a power or the performance of a duty under this Act and the regulations. R.S.O. 1970, c. 80, s. 17; R.S.O. 1970, c. 143, s. 17, amended.

Assisting inspector

(2) Every person shall furnish all necessary means in his power to facilitate any entry, inspection, examination or inquiry by an inspector in the exercise of his powers and duties under this Act and the regulations.

Failure to comply

(3) No person shall neglect or refuse to produce a licence, drawing, specification, record or report as required by an inspector under clause b of subsection 1 of section 6. New.

Providing information

(4) No person shall furnish an inspector with false information or neglect or refuse to furnish information required by an inspector in the exercise of his duties under this Act and the regulations. R.S.O. 1970, c. 143, s. 18; R.S.O. 1970, c. 80, s. 18, amended.

Disclosure of information

**8.**—(1) An inspector shall not publish, disclose or communicate to any person any information, record, report or statement acquired, furnished, obtained, made or received under the powers conferred under this Act and the regulations except for the purposes of carrying out his duties under this Act and the regulations.

Idem

(2) The Director may communicate or allow to be communicated, disclosed or published information, material, statements or test results acquired, furnished, obtained or made under the powers conferred under this Act and the regulations. *New*.

Liability of inspector

**9.**—(1) No action or other proceeding for damages lies or shall be instituted against an inspector for an act or omission by him in good faith in the execution or intended execution of any power or duty under this Act or the regulations. R.S.O. 1970, c. 143, s. 13, amended.

Liability of Crown R.S.O. 1970,

c. 365

(2) Subsection 1 does not, by reason of subsections 2 and 4 of section 5 of *The Proceedings Against the Crown Act*, relieve the Crown of liability in respect of a tort committed by an inspector to which it would otherwise be subject and the Crown is liable under that Act for any such tort in like manner as if subsection 1 had not been enacted. *New*.

Inspection order

10.—(1) Where an inspector finds that any provision of this Act or the regulations is being contravened, he may serve the person he believes to be the contravenor and that person's supervisor or employer, or any of them, an order in writing directing compliance with the provision and may require the order to be

carried out forthwith or within such time as is specified in the order.

- (2) An order under this section shall contain sufficient informa- Idem tion to specify the nature of the contravention.
- (3) Where in the opinion of an inspector there is a contravention Affixing of this Act or the regulations of such a nature as may pose a serious hazard to the safety of any person or property, he shall order that the elevating device in respect of which the contravention exists not be operated or used and shall affix a seal thereto.

- (4) Where a seal has been affixed to an elevating device under Idem subsection 3, no person shall remove the seal except an inspector or a mechanic authorized by an inspector for the purpose of making the elevating device conform to this Act and the regulations.
- (5) Any person aggrieved by an order made under this section Appeal of may appeal to the Director who shall hear and dispose of the appeal but such an appeal does not affect the operation of the order appealed from pending disposition of the appeal.
- (6) An appeal under subsection 5 need not be made in writing. Idem but the Director may require the grounds for appeal to be specified in writing before the appeal is heard.
- (7) On an appeal under this section, the Director may substitute Idem his findings or opinion for those of the inspector who made the order appealed from and may rescind or affirm the order or make a new order in substitution therefor and the order of the Director shall stand in place of and have the like effect under this Act as the order of the inspector.
- (8) Where an elevating device or part thereof is found, after its Repairs to defective installation, to be unsafe or inherently defective, the Director may parts order such repairs as he considers necessary to be made within such time period as he specifies. New.
- 11.—(1) No person shall commence a new installation or Drawings and major alteration of an elevating device until a design submission to be therefor has been registered by the Director.
- (2) Application for registration under subsection 1 shall be in Idem accordance with the requirements prescribed by the regulations.
- (3) The Director may refuse to register a design submission Idem where,
  - (a) it does not comply with the requirements of this Act and the regulations:

- (b) it is not sealed by a professional engineer; or
- (c) it appears that it may result in an elevating device, the operation of which could pose a safety hazard to any person or property. R.S.O. 1970, c. 143, s. 15, amended.

Compliance with Act and regulations required **12.** No person shall construct, install, alter, repair, maintain or test an elevating device or part thereof except in accordance with this Act and the regulations. *New*.

Contractor to be registered **13.** No person shall act as a contractor unless he is registered as a contractor under this Act and no contractor who is registered under this Act shall offer or provide a service not authorized in his registration. *New*.

Contractor to take precautions

**14.** A contractor shall take every precaution reasonable in the circumstances to ensure that his employees comply with this Act and the regulations. *New*.

Operation without inspection prohibited **15.** No person shall put into service a newly installed elevating device or an elevating device to which a major alteration has been made until it has been inspected by an inspector and licensed in accordance with this Act and the regulations. *New*.

Operation of unsafe device prohibited **16.**—(1) No person shall operate an elevating device or cause or permit it to be operated if he has reason to believe that it is in an unsafe condition. R.S.O. 1970, c. 143, s. 22 (1); R.S.O. 1970, c. 80, s. 21 (2), amended.

Unsafe operation prohibited (2) No person shall operate an elevating device or cause or permit it to be operated in an unsafe manner. R.S.O. 1970, c. 143, s. 22 (2); R.S.O. 1970, c. 80, s. 21 (2), amended.

Excessive loads prohibited

(3) No person shall operate or use an elevating device or cause or permit it to be operated or used with a load in excess of its maximum capacity. R.S.O. 1970, c. 80, s. 23; R.S.O. 1970, c. 143, s. 23, amended.

Exception to subss. 1-3

(4) Subsections 1, 2 and 3 do not apply to an inspector, a person authorized by an inspector or a mechanic during the installation, alteration, repair, testing or inspection of an elevating device. R.S.O. 1970, c. 80, s. 23; R.S.O. 1970, c. 143, s. 24, amended.

Sealed device (5) No owner shall use or permit the use of an elevating device to which a seal has been affixed under section 10 until authorized in writing by an inspector. New.

- 17.—(1) No person shall conduct himself in or on an elevating Safe device or perform any work on an elevating device in such manner conduct as to.
  - (a) impair the safe operation of the elevating device; or
  - (b) endanger himself, any other person or freight.
- (2) No person shall remove, displace, interfere with or damage Removing, any device installed in or about an elevating device for its safe etc., safety devices operation except, prohibited
  - (a) a person making an inspection under this Act or the regulations; or
  - (b) a contractor for the purpose of making a test or repair. New.
- 18. No person shall provide an elevating device or any part Renting, thereof for use by another person under any rental, leasing or other elevating arrangement if the elevating device or part thereof is in an unsafe device condition or otherwise not in conformance with this Act and the regulations. R.S.O. 1970, c. 80, s. 21 (3), amended.

19. The owner of an elevating device shall not operate it and Licence and shall ensure that it is not operated unless,

(a) it is licensed; and

- (b) it complies with this Act and the regulations. R.S.O. 1970, c. 143, ss. 19, 20, amended.
- 20. Where the operation of an elevating device requires that Where an attendant or operator be present, the owner of the device shall or ensure that the attendant or the operator, as the case may be, operator complies with the requirements of this Act and the regulations. Nege
- 21.—(1) Subject to subsection 2, the Director shall issue a Licence licence for an elevating device or a renewal thereof to an applicant elevating therefor, subject to such terms and conditions as are prescribed in device the regulations and as are agreed to by the applicant or licensee.
- (2) Subject to section 23, the Director may refuse to grant or to Where renew a licence for an elevating device, or may suspend or revoke be refused, such a licence where. revoked,
  - (a) the elevating device or the operation thereof does not comply with this Act or the regulations; or

(b) the holder of the licence has failed to comply with a notice or order of an inspector or is in contravention of this Act or the regulations. New.

Registration of contractor-

**22.**—(1) Subject to subsection 2, the Director shall register a contractor under this Act subject to such terms and conditions as are prescribed in the regulations.

Where registration may be refused, revoked, etc.

- (2) The Director may refuse to register or to renew the registration of a contractor or may suspend or revoke the registration of a contractor where.
  - (a) the applicant or registrant is in contravention of this Act, the regulations or a term or condition of his registration; or
  - (b) there are reasonable grounds to believe that the applicant or registrant is incompetent or lacks basic resources or requisite skills.

Limited registration

(3) Registration under subsection 1 may be limited to those classes of elevating devices that the Director considers the contractor to be qualified to service. New.

Notice of proposal

- **23.**—(1) Where the Director proposes,
  - (a) to refuse to grant or to renew a licence or registration;
  - (b) to suspend or revoke a licence or registration; or
  - (c) to limit a registration,

under section 21 or 22, he shall serve notice of his proposal together with written reasons therefor, on the applicant, licence holder or registrant, as the case may be.

Idem

(2) A notice under subsection 1 shall inform the applicant, licence holder or registrant that he is entitled to a hearing by a judge of the county or district court for the county or district in which he resides if he applies to a judge thereof within fifteen days after the notice under subsection 1 is served on him and he may so apply for such a hearing.

Power of Director where no hearing (3) Where an applicant, licence holder or registrant does not apply to a judge for a hearing in accordance with subsection 2, the Director may refuse to grant a licence or registration, or may carry out the proposal stated in his notice under subsection 1.

Appointment for hearing (4) Where an applicant, licence holder or registrant applies to a judge for a hearing in accordance with subsection 2, the judge shall in writing appoint a time and place for and hold the hearing.

(5) Upon the application of the Director at the hearing, the Powers of judge may by order require the Director to grant the licence or hearing registration, or permit him to carry out his proposal, or direct that such action as the judge considers proper be taken by the Director in accordance with this Act and the regulations and for such purposes the judge may substitute his opinion for that of the Director.

(6) The Director may serve notice under subsection 1 person- Service of ally or by registered mail addressed to the applicant, licence holder or registrant at his address last known to the Director and where notice is served by registered mail, the notice shall be deemed to have been served on the third day after the day of mailing unless the person to whom notice is being given establishes to the judge to whom he applies for a hearing that he did not, acting in good faith, through absence, accident, illness or other cause beyond his control receive the notice or order until a later date.

(7) A judge to whom application is made by an applicant, Extension licence holder or registrant for a hearing under this section may application extend the time for making application, either before or after expiration of the time fixed therein, where he is satisfied that there are prima facie grounds for granting relief to the applicant, licence holder or registrant pursuant to a hearing and that there are reasonable grounds for applying for the extension, and may give such directions as he considers proper consequent upon the extension.

(8) Where, within the time prescribed therefor, or if no time is Continuation prescribed, prior to the expiry of his licence or registration, a renewal licence holder or registrant has applied for renewal of his licence or registration and paid the prescribed fee, his licence or registration shall be deemed to continue.

- (a) until the renewal is granted; or
- (b) where he is served with notice that the Director proposes to refuse to grant the renewal, until the time for applying for a hearing by a judge has expired and, where a hearing is applied for, until the judge has made his decision. New.
- 24.—(1) The Director, the applicant, the licence holder or Parties registrant who has applied for the hearing and such other persons as are specified by the judge are parties to the proceedings before a judge under section 23.
- (2) Notice of a hearing under section 23 shall afford to the Opportunity licence holder or registrant a reasonable opportunity to show or to to achieve compliance

achieve compliance before the hearing with all lawful requirements for the retention of the licence or registration.

Examination of documentary evidence

(3) An applicant, licence holder or registrant who is a party to proceedings under section 23 shall be afforded an opportunity to examine, before the hearing, any written or documentary evidence that will be produced or any report, the contents of which will be given in evidence at the hearing.

Recording evidence

(4) The oral evidence taken before a judge at a hearing shall be recorded and, if so required, copies or a transcript thereof shall be furnished upon the same terms as in the Supreme Court.

Findings of fact (5) The findings of fact of a judge pursuant to a hearing shall be based exclusively on evidence admissible on matters that may be noticed under sections 15 and 16 of *The Statutory Powers Procedure Act, 1971.* New.

Appeal to Divisional Court **25.**—(1) Any party to proceedings before a judge under section 23 may appeal from the decision or order of the judge to the Supreme Court in accordance with the rules of court.

Record to be filed (2) Where notice of an appeal is served under this section, the judge shall forthwith file in the Supreme Court the record of the proceedings before him in which the decision or order was made, which, together with the transcript of the evidence before the judge if it is not part of the record of the judge, shall constitute the record in the appeal.

Minister entitled to be heard (3) The Minister is entitled to be heard by counsel or otherwise upon the argument of an appeal under this section.

Powers of court on appeal (4) The Supreme Court may, on the appeal, affirm the decision of the judge appealed from or may rescind it and make such new decision as the court considers proper under this Act and the regulations, and may order the Director to do any act or thing he is authorized to do under this Act and as the court considers proper, and for such purpose the court may substitute its opinion for that of the Director or of the judge, or the court may refer the matter back to the judge for rehearing, in whole or in part, in accordance with such directions as the court considers proper. New.

Interim suspension pending final appeal **26.** The Director, by notice to the licence holder or registrant and without a hearing, may provisionally refuse to renew or suspend the holder's licence or registrant's registration where in the Director's opinion it is necessary to do so for the immediate protection of any person or the public and the Director so states in such notice giving his reasons therefor, and thereafter section 23 applies as if the notice given under this section were a notice of a

proposal to revoke the licence or registration under section 23. New.

27. An elevating device shall be inspected by an inspector at Inspections such intervals as may be determined by the Director. R.S.O. 1970, c. 143, s. 6, amended.

## 28. A statement as to,

Certificate as evidence

- (a) the registration or non-registration of any person; or
- (b) the licensing or non-licensing of any elevating device,

purporting to be certified by the Director is, without proof of the office or signature of the Director, receivable in evidence as prima facie proof of the facts stated therein for all purposes in any action, proceeding or prosecution. New.

29.—(1) Where an accident occurs in connection with an Reporting elevating device that results in the death of or serious injury to any accidents person, the owner shall notify the Director by telephone forthwith.

- (2) Where an accident occurs that causes injury to any person or Idem where there has been an incident involving an elevating device that indicates that the elevating device is in a potentially hazardous condition or where there has been a fire involving an elevating device, the owner and the contractor maintaining the elevating device shall notify the Director by telephone within twenty-four hours and shall submit a written report giving full particulars within seven days thereafter.
- (3) Where an accident of the type referred to in subsection 1 Wreckage occurs, no person, except for the purpose of rescuing a person disturbed injured in the accident, shall interfere with, disturb, destroy, carry away or alter any wreckage, article or thing at the scene of or connected with the accident until permission to do so is given by an inspector.
- (4) On being notified of an accident or incident in accordance Investigation with this section, the Director shall cause such investigation to be made as he considers necessary. R.S.O. 1970, c. 143, s. 16, amended.

# **30.**—(1) Every person who,

Offence

(a) contravenes or fails to comply with any provision of this Act or the regulations:

- (b) knowingly makes a false statement in any document required by this Act or the regulations;
- (c) contravenes or fails to comply with a term or condition of a licence or registration;
- (d) contravenes or fails to comply with an order or requirement of an inspector,

is guilty of an offence and on conviction is liable to a fine of not more than \$10,000 or to imprisonment for a term of not more than one year, or to both.

Idem

(2) Where a person contravenes any of the provisions of this Act or the regulations or any notice or order made thereunder on more than one day, each such day shall be deemed to constitute a separate offence. R.S.O. 1970, c. 143, s. 25; R.S.O. 1970, c. 80, s. 25, amended.

Regulations

- **31.**—(1) The Lieutenant Governor in Council may make regulations respecting the construction, installation, operation, maintenance and inspection of elevating devices and, in particular and without limiting the generality of the foregoing, may make regulations,
  - (a) designating classes or subclasses of elevating devices, parts thereof and equipment used in connection therewith;
  - (b) regulating the use, location, design, construction, installation, operation, removing, alteration, repair, maintenance, service, testing and inspection or elevating devices, parts thereof and equipment used in conjunction therewith;
  - (c) requiring and prescribing qualifications, training and experience for persons who are attendants, operators or mechanics, or who may perform any work on or in conjunction with, an elevating device or parts thereof, and prescribing their duties and responsibilities;
  - (d) prescribing requirements as to the form and content of a design submission under this Act, the application for registration thereof and the fees to be paid upon submission;
  - (e) governing the conduct of persons in or about elevating devices;

- (f) respecting the term, issue and renewal of licences and registrations, the transfer of licences and prescribing the fees therefor;
- (g) prescribing responsibilities and obligations of licensees or owners;
- (h) prescribing terms and conditions to which the registration of a contractor is subject;
- (i) designating organizations to test elevating devices or parts thereof to the standards designated under the regulations and providing for the placing of the label of such organization on elevating devices or parts thereof that conform to the standards;
- (j) prescribing forms, seals and tags and providing for their use;
- (k) providing for and requiring the keeping of records, log books, drawings, instructions and specifications on, and in conjunction with, the design, construction, installation, repair, maintenance, alteration and use of an elevating device or part thereof;
- (l) requiring and prescribing the form and location of notices and markings that are to be kept in or about elevating devices;
- (m) classifying inspections and prescribing the fees to be paid for inspections or witnessing tests by inspectors and prescribing by whom the fees shall be paid;
- (n) prescribing the fees to be paid for copies of any official document issued by the Ministry;
- (o) prescribing the circumstances under which expenses or special fees, or both, are to be paid and prescribing the special fees and designating the persons by whom such expenses or fees, or both, are to be paid;
- (p) exempting any person or any class of persons, and any elevating device or part thereof or any class or subclass of them, from compliance with this Act and the regulations or any of the provisions thereof. R.S.O. 1970, c. 143, s. 29 (1); R.S.O. 1970, c. 80, s. 27 (1), amended.
- (2) Any regulation may be made with respect to elevating Idem devices or with respect to any one or more of such class of

mechanism or with respect to any one or more subclasses thereof. R.S.O. 1970, c. 143, s. 29 (2).

Adoption of codes by reference

(3) A regulation may adopt by reference, in whole or in part, with such changes as the Lieutenant Governor in Council considers necessary, any code, and may require compliance with any code that is so adopted.

Definitions

(4) Any word or expression used in this Act or the regulations may be defined in the regulations for the purposes of the regulations. R.S.O. 1970, c. 80, s. 27 (3); R.S.O. 1970, c. 143, s. 29 (3).

Variance by Director (5) The Director may allow a variance from any code adopted under the regulations where, in his opinion, the variance would not detrimentally affect the safety of the elevating device.

Use of new codes, etc. (6) The Director may authorize the use of a new code or standard or changes to established codes or standards necessary to accommodate technological advances for a limited time and subject to any terms and conditions specified. *New*.

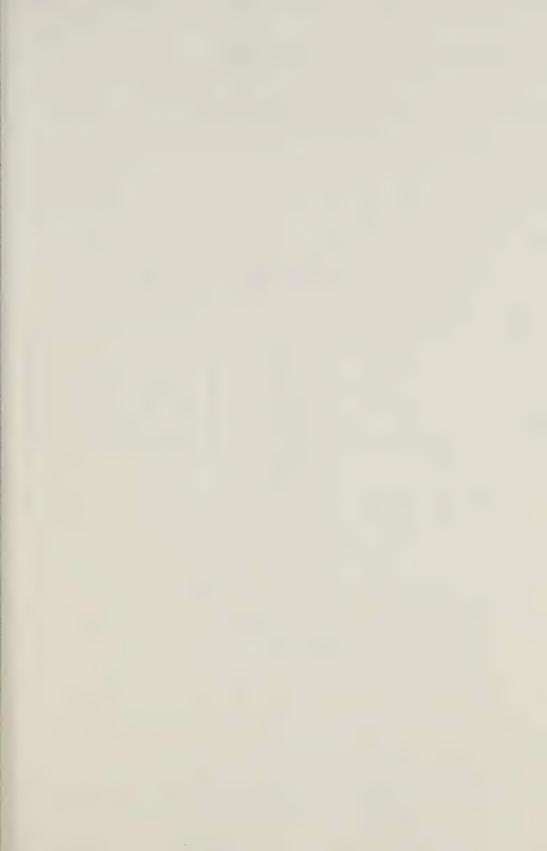
Repeals

**32.** The Elevators and Lifts Act, being chapter 143 of the Revised Statutes of Ontario, 1970, The Construction Hoists Act, being chapter 80 of the Revised Statutes of Ontario, 1970, and section 39 of The Government Reorganization Act, 1972, being chapter 1, are repealed.

Commencement **33.** This Act comes into force on a day to be named by proclamation of the Lieutenant Governor.

Short title

**34.** The short title of this Act is *The Elevating Devices Act*, 1980.



The Elevating Devices Act, 1980

1st Reading April 1st, 1980

2nd Reading

April 22nd, 1980

3rd Reading
April 28th, 1980

THE HON. FRANK DREA Minister of Consumer and Commercial Relations BILL 35

Publications

Government

Private Member's Bill

4TH SESSION, 31ST LEGISLATURE, ONTARIO 29 ELIZABETH II, 1980

An Act respecting the Disclosure of Tax Incentive Costs

MR. PETERSON

### EXPLANATORY NOTE

The purpose of the Bill is to require the Treasurer of Ontario to disclose the actual costs to the public of every tax incentive program contained in the budget.

BILL 35 1980

# An Act respecting the Disclosure of Tax Incentive Costs

TER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act.

Interpre-

- (a) "Assembly" means the Legislative Assembly of Ontario;
- (b) "tax expenditure" means a tax deduction, exemption, rebate or other form of tax incentive that causes a reduction in the amount of revenue received by the Government of Ontario:
- (c) "Treasurer" means the Treasurer of Ontario.
- 2. The Treasurer shall cause to be prepared and shall lay Tax before the Assembly on the same day that the budget statement is analysis read a tax expenditure analysis indicating which of the budget proposals are tax expenditures and setting forth in respect of each tax expenditure,

- (a) the projected loss of revenue created by the tax expenditure:
- (b) the anticipated effect of the tax expenditure on the economy of Ontario including a general description of the classes of persons, businesses and other economic sectors in Ontario that are likely to benefit from or be adversely affected thereby.
- 3. This Act comes into force on the day it receives Royal Commence-Assent.
- 4. The short title of this Act is The Tax Expenditures Disclo- Short title sure Act, 1980.

# An Act respecting the Disclosure of Tax Incentive Costs

1st Reading
April 1st, 1980
2nd Reading

3rd Reading

MR. PETERSON

(Private Member's Bill)

Private Member's Bill

4TH SESSION, 31ST LEGISLATURE, ONTARIO
29 ELIZABETH II, 1980 Plant to House

An Act to amend The Education Act, 1974

MR. MARTEL

### EXPLANATORY NOTE

The purpose of this Bill is to provide for the establishment of schools for trainable retarded children by Roman Catholic separate school boards. Divisional boards are currently authorized under the Act to establish schools for trainable retarded children. The provisions of this Bill parallel, with necessary modifications, the provisions of the Act authorizing divisional boards to establish these schools.

BILL 36 1980

# An Act to amend The Education Act, 1974

FER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. The Education Act, 1974, being chapter 109, is amended by adding ss. 102a-102i, thereto the following sections:

102a. In sections 102b to 102i,

Interpretation

- (a) "committee" means an advisory committee on schools for trainable retarded children;
- (b) "local association" means a parent's group that is affiliated with the Ontario Association for the Mentally Retarded and that operates within the area of jurisdiction of the board; and
- (c) "separate school board" means a county combined separate school board and a district combined separate school board and includes The Metropolitan Toronto Separate School Board.

102b.—(1) Subject to subsection 2, every separate school board Programs for shall provide adequate accommodation for the trainable retarded retarded children who reside in the separate school zone and shall establish children and maintain a school or class for the trainable retarded children who are admitted under section 102g.

(2) A separate school board may, in lieu of establishing and Agreement maintaining a school or class for trainable retarded children, enter separate into an agreement with any other school board to provide for the school board instruction of the trainable retarded children who reside in the separate school zone of the first-mentioned board in a school or class for trainable retarded children under the jurisdiction of the other board and for the payment of fees in respect of such pupils.

Admission deemed decision of sending board (3) Where a child referred to in subsection 2 is admitted to or excluded from a school or class for trainable retarded children by the Special Education Program Placement and Review Committee of the board that operates the school or class, such admission or exclusion shall be deemed to be a decision of the Committee for the board that requests the instruction.

Right to attend school 102c.—(1) Subject to section 102g, a trainable retarded child whose parent or guardian resides in a separate school zone has the right to attend a school or class for trainable retarded children established by the board of the separate school zone or provided under an agreement made under subsection 2 of section 102b.

Admission of other children (2) Subject to section 102g, a separate school board may admit to a school for trainable retarded children operated by the board a child who does not have the right to attend such school under subsection 1.

Advisory committee

102d.—(1) A separate school board shall establish an advisory committee on schools for trainable retarded children.

Composition

- (2) The committee shall consist of six members, of which,
  - (a) three shall be appointed by the separate school board from among its members; and
  - (b) three shall be appointed by the local association, or where there is more than one local association, three shall be appointed at a joint meeting of the associations concerned or, where there is no local association, three who are not members of the board shall be appointed by the board.

Qualifications of members (3) The members of the committee appointed by the local association or associations shall have the qualifications required for the members of the separate school board.

Term of office

(4) The members of the committee shall hold office until the expiry of the term for which the members of the separate school board were elected.

Vacancies

(5) Every vacancy on a committee occasioned by death, removal or other cause shall be filled by appointment by the separate school board or the local association or associations, as the case may be, of some qualified person, and every person so appointed shall hold office for the unexpired portion of the term of the member whose office has become vacant.

Quorum

102e—(1) A majority of the members of the committee is a quorum, and a vote of a majority of the members present at a meeting is necessary to bind the committee.

(2) The members of the committee shall, at their first meeting, Chairman elect one of themselves as chairman who shall preside at all meetings and, if at any meeting the chairman is not present, the members present may elect a chairman for that meeting.

(3) On every motion, the chairman may vote with the other Chairman members of the committee, and any motion on which there is an equality of votes is lost.

(4) The separate school board shall make available to the com- Personnel mittee such personnel and services as the board considers neces- available to sary for the proper functioning of the committee.

102f.—(1) The committee may make recommendations to the Powers of separate school board relating to matters affecting the establishment and development of programs, services and facilities in respect of trainable retarded children.

(2) Before making a decision on a recommendation of the com-Right of mittee, the separate school board shall provide an opportunity for to be heard the committee to be heard before the board and before any committee thereof to which the recommendation is referred.

102g. A child may be admitted to or excluded from a school or Admissions, class for trainable retarded children operated by a separate school exclusions board only upon a decision of a Special Education Program Placement and Review Committee, which Committee shall be established and shall act in accordance with the regulations.

102h. Where a separate school board provides instruction in a Fees for school or class for trainable retarded children for a pupil whose pupils parent or guardian does not reside in the separate school zone, the board of the school division or secondary school district or separate school zone in which his parent or guardian resides, shall pay to the separate school board on behalf of the pupil a fee calculated in accordance with the regulations.

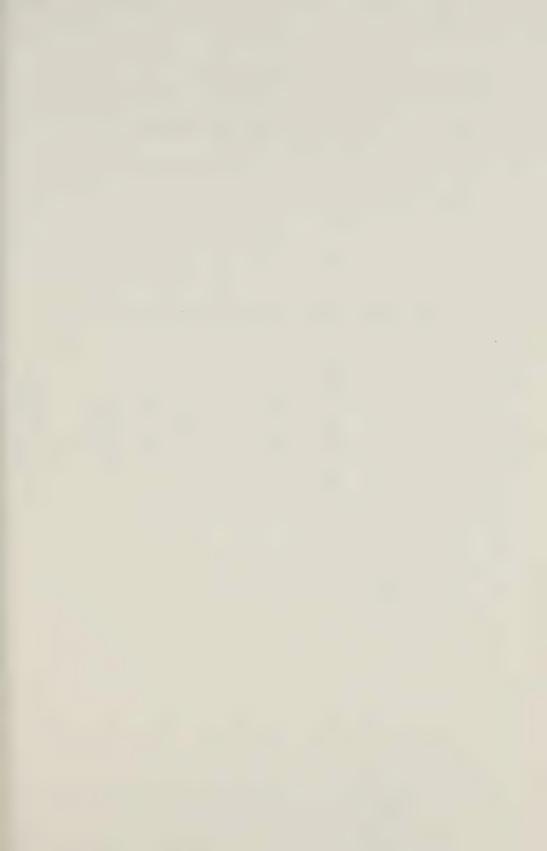
102i.—(1) Where a pupil resides in a separate school zone with Boarding of his parent or guardian in a residence from which daily transportation to the school or class for trainable retarded children that he transportation impracticable impracticable attends is impracticable due to distance or terrain as certified by the supervisory officer who has jurisdiction in the separate school zone, the board of the separate school zone of which his parent or guardian is a supporter may reimburse the parent or guardian at the end of each month for the cost of providing for such pupil, board, lodging, and transportation once a week from his residence to the school or class and return, in an amount set by the board for each day of attendance as certified by the principal of the school or class for trainable retarded children that the pupil attends.

Certification of attendance (2) For the purpose of certifying attendance under subsection 1, the principal may add to the number of days of attendance of a pupil the number of days the pupil is absent by reason of being ill or is absent for any other cause if the principal is of the opinion that the absence was unavoidable.

Commencement 2. This Act comes into force on the day it receives Royal Assent.

Short title

3. The short title of this Act is The Education Amendment Act, 1980.



An Act to amend The Education Act, 1974

1st Reading
April 1st, 1980
2nd Reading

3rd Reading

MR. MARTEL

(Private Member's Bill)

B 856

FBILL 37

Private Member's Bill

4TH SESSION, 31ST LEGISLATURE, ONTARIO
29 ELIZABETH II, 1980 Francislature 14002

An Act to amend The Liquor Control Act, 1975

MR. SAMIS

### EXPLANATORY NOTE

The purpose of the Bill is to enable independent grocery store owners to sell beer and Ontario wine.

BILL 37

1980

# An Act to amend The Liquor Control Act, 1975

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1. Section 1 of *The Liquor Control Act*, 1975, being chapter 27, is s. 1, amended by adding thereto the following clause:
  - (ca) "independent grocery store owner" means a person who owns a store at which the principal business is the sale of foodstuffs and who does not own or, under the terms of an agreement, participate in a chain or franchise undertaking consisting of more than three other grocery stores.
- **2.** Section 3 of the said Act is amended by adding thereto the following s. 3. clause:
  - (ea) to authorize independent grocery store owners to sell beer and Ontario wine from their grocery stores and to control the keeping for sale, sale and delivery of the beer and Ontario wine.
- 3. This Act comes into force on the day it receives Royal Assent. Commencement

**4.** The short title of this Act is *The Liquor Control Amendment Act*, Short title 1980.

An Act to amend The Liquor Control Act, 1975

1st Reading
April 1st, 1980
2nd Reading

3rd Reading

Mr. Samis

(Private Member's Bill)

4TH SESSION, 31ST LEGISLATURE, ONTARIO
29 ELIZABETH II, 1980 Legislature

An Act to repeal The Railway Fire Charge Act

THE HON. L. MAECK Minister of Revenue

#### EXPLANATORY NOTES

Section 1. The Railway Fire Charge Act is repealed at the end of the 1980 taxation year.

Section 2. Subsection 10 of section 18 proposed to be added to *The Game and Fish Act* now appears as section 11 of *The Railway Fire Charge Act*. It more appropriately forms part of *The Game and Fish Act* and is transferred coincident with the repeal of *The Railway Fire Charge Act*.

The proposed subsection 11 of section 18 and the new paragraph 6b of section 91 are complementary and transfer to *The Game and Fish Act* similar provisions now found in *The Railway Fire Charge Act*.

BILL 38 1980

## An Act to repeal The Railway Fire Charge Act

TER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** The following are repealed:

Repeals

- 1. The Railway Fire Charge Act, being chapter 400 of the Revised Statutes of Ontario, 1970;
- 2. Section 75 of The Civil Rights Statute Law Amendment Act, 1971, being chapter 50;
- 3. Section 92 of The Government Reorganization Act, 1972, being chapter 1.
- 2.—(1) Section 18 of The Game and Fish Act, being chapter 186 of the R.S.O. 1970, Revised Statutes of Ontario, 1970, as amended by the Statutes amended of Ontario, 1973, chapter 108, section 2, is further amended by adding thereto the following subsections:
  - (10) Except in accordance with a system established or Hunting and approved by the Lieutenant Governor in Council, no patentee of railway railway lands and no owner or tenant who is a subsidiary of or lands affiliated with a patentee of railway lands shall charge any fee for the use of his railway lands for the purpose of hunting or fishing, and no such patentee, owner or tenant shall prohibit any person from hunting or fishing on such railway lands.

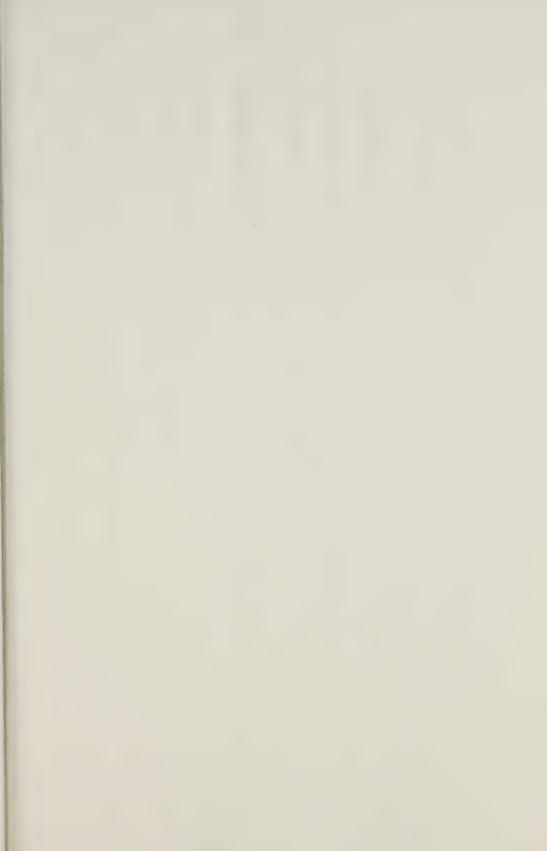
- (11) In this section, "railway lands" includes all lands hereto- Interprefore or hereafter set apart under any general or special Act of the Legislature as a land subsidy or otherwise in aid of any railway or of any works in connection therewith or of any works to be established, maintained or carried on by any railway.
- (2) Section 91 of the said Act, as amended by the Statutes of R.S.O. 1970. Ontario, 1973, chapter 108, section 10 and 1978, chapter 52, amended section 2, is further amended by adding thereto the following paragraph:

6b. establishing or approving one or more systems for the use of designated railway lands for hunting or fishing as provided for in the exception mentioned in subsection 10 of section 18.

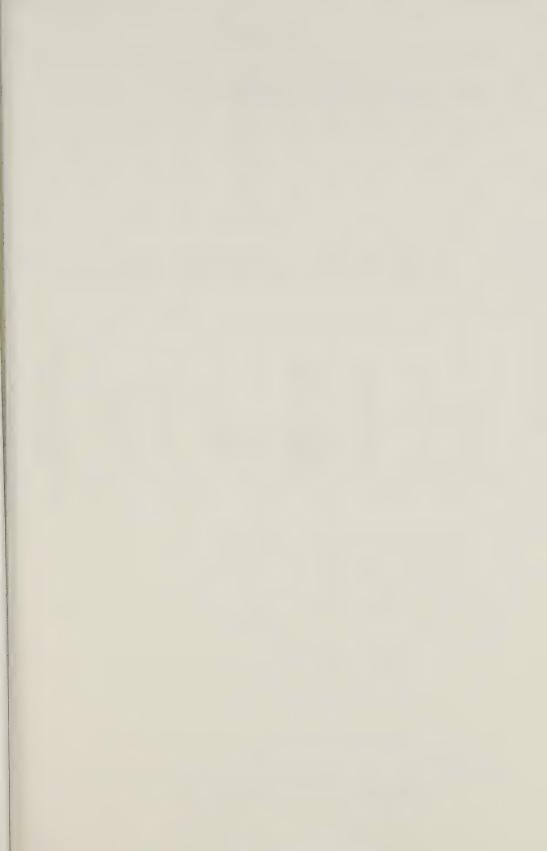
Commencement 3. This Act comes into force on the 1st day of January, 1981.

Short title

4. The short title of this Act is The Railway Fire Charge Repeal Act, 1980.







An Act to repeal The Railway Fire Charge Act

1st Reading
April 8th, 1980
2nd Reading

3rd Reading

THE HON. L. MAECK Minister of Revenue

(Government Bill)

56

4TH SESSION, 31ST LEGISLATURE, ONTARIO
29 ELIZABETH II, 1980 Legislature

An Act to repeal The Railway Fire Charge Act

THE HON. L. MAECK Minister of Revenue



BILL 38 1980

# An Act to repeal The Railway Fire Charge Act

TER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. The following are repealed:

Repeals

- 1. The Railway Fire Charge Act, being chapter 400 of the Revised Statutes of Ontario, 1970:
- 2. Section 75 of The Civil Rights Statute Law Amendment Act, 1971, being chapter 50;
- 3. Section 92 of The Government Reorganization Act, 1972, being chapter 1.
- 2.—(1) Section 18 of The Game and Fish Act, being chapter 186 of the R.S.O. 1970, Revised Statutes of Ontario, 1970, as amended by the Statutes amended of Ontario, 1973, chapter 108, section 2, is further amended by adding thereto the following subsections:
  - (10) Except in accordance with a system established or Hunting and approved by the Lieutenant Governor in Council, no patentee of railway railway lands and no owner or tenant who is a subsidiary of or lands affiliated with a patentee of railway lands shall charge any fee for the use of his railway lands for the purpose of hunting or fishing, and no such patentee, owner or tenant shall prohibit any person from hunting or fishing on such railway lands.

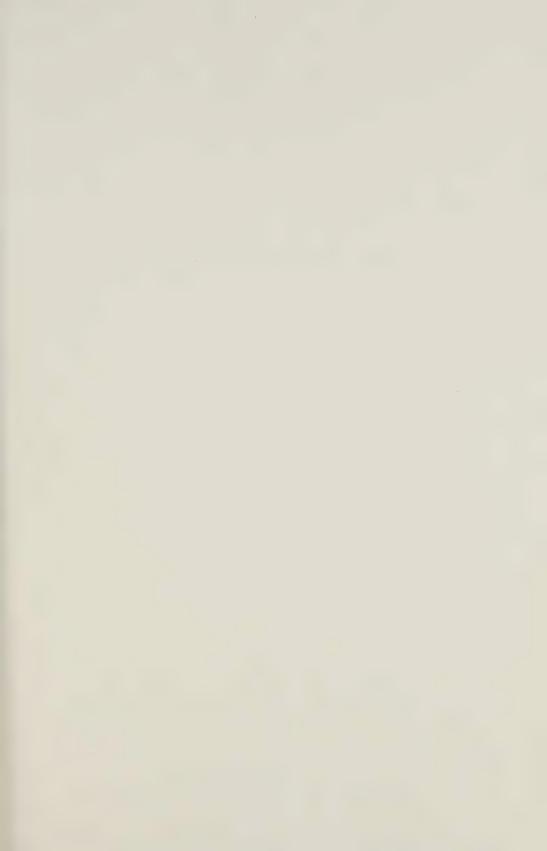
- (11) In this section, "railway lands" includes all lands hereto- Interprefore or hereafter set apart under any general or special Act of the Legislature as a land subsidy or otherwise in aid of any railway or of any works in connection therewith or of any works to be established, maintained or carried on by any railway.
- (2) Section 91 of the said Act, as amended by the Statutes of R.S.O. 1970, Ontario, 1973, chapter 108, section 10 and 1978, chapter 52, amended section 2, is further amended by adding thereto the following paragraph:

6b. establishing or approving one or more systems for the use of designated railway lands for hunting or fishing as provided for in the exception mentioned in subsection 10 of section 18.

Commencement 3. This Act comes into force on the 1st day of January, 1981.

Short title

4. The short title of this Act is The Railway Fire Charge Repeal Act, 1980.







An Act to repeal The Railway Fire Charge Act

1st Reading
April 8th, 1980

2nd Reading April 28th, 1980

3rd Reading

April 29th, 1980

THE HON. L. MAECK Minister of Revenue 4TH SESSION, 31ST LEGISLATURE ONTARIO
29 ELIZABETH II, 1980 Regislative Aprend-

An act to amend The Ontario Water Resources Act

Mr. Germa

#### EXPLANATORY NOTE

The purpose of the Bill is to prohibit mining activity in bodies of water that serve or are likely to serve as sources of community drinking water. The Bill provides for the issuance of permits to authorize mining activity that is in the public interest. Mining activity undertaken without the authority of a licence is constituted as an offence.

## An Act to amend The Ontario Water Resources Act

ERMAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

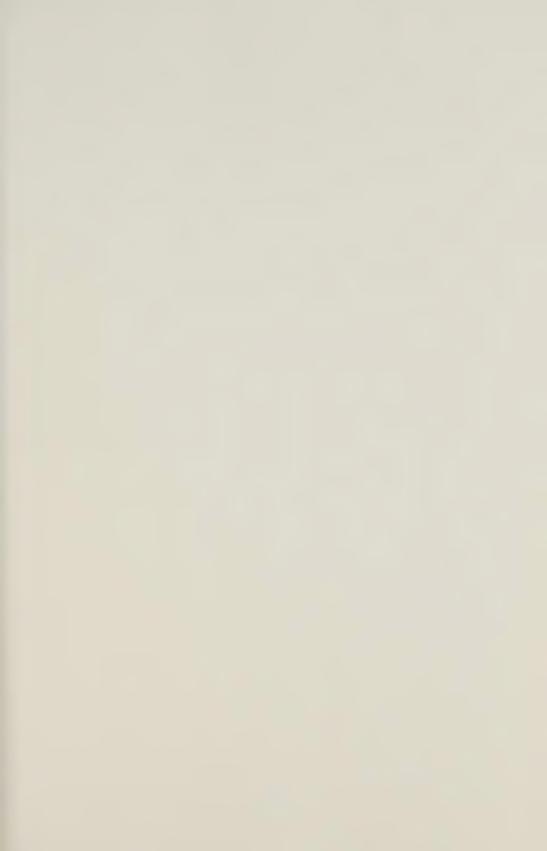
- 1. Section 1 of *The Ontario Water Resources Act*, being chapter 332 of the Revised Statutes of Ontario, 1970, as amended by the Statutes of Ontario, 1972, chapter 1, section 70, 1973, chapter 90, section 1, 1974, chapter 19, section 1 and 1975, chapter 71, section 1, is further amended by relettering clause *qa*, as enacted by the Statutes of Ontario, 1974, chapter 19, section 1, as clause *qb* and by adding thereto the following clause:
  - (qa) "source of community drinking water" means any body of water that is used or is likely to be used at some future date as a public source of drinking water by any municipality or community in Ontario.
- 2. The said Act is amended by adding thereto the following section: s. 39a, enacted
  - 39a.—(1) The Ministry shall prepare and publish in *The* List of Sources of Community drinking water in Ontario.
  - (2) No person shall prospect, mine or stake out any mining Mining of claim in the bed of any body of water listed as a source of com- water sources munity drinking water in *The Ontario Gazette* without a permit prohibited issued by a Director.
  - (3) A Director, where he considers it advisable and in the public Permit interest, may issue a permit referred to in subsection 2, and the Director may, in his discretion, refuse to issue or cancel a permit, may impose such terms and conditions in issuing a permit as he considers proper and may alter the terms and conditions of a permit after it is issued.
  - (4) Every person who knowingly contravenes subsection 2 or Offence any of the terms and conditions of a permit issued by a Director is

guilty of an offence and on summary conviction is liable to a fine of not more than \$200 for every day the contravention continues.

Commencement 3. This Act comes into force on the day it receives Royal Assent.

Short title

**4.** The short title of this Act is The Ontario Water Resources Amendment Act, 1980.







An Act to amend The Ontario Water Resources Act

1st Reading April 8th, 1980

2nd Reading

3rd Reading

Mr Germa

(Private Member's Bill)

Private Member's Bill

Publications

4TH SESSION, 31ST LEGISLATURE, ONTARIO
29 ELIZABETH II, 1980 (Logical and American September 1980)

An Act respecting Insured Services under the Ontario Health Insurance Plan

MR. MARTEL

### EXPLANATORY NOTE

The purpose of this Bill is to declare that surgical procedures for breast reconstruction are insured services under the Ontario Health Insurance Plan.

BILL 40 1980

## An Act respecting Insured Services under the Ontario Health Insurance Plan

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Notwithstanding any provision to the contrary in The Breast Health Insurance Act, 1972 or the regulations made there-struction under, the surgical procedures set out in the Schedule below declared to be are hereby declared to be medically necessary and con-insured stitute insured services for the purposes of the Ontario services 1972, c. 91 Health Insurance Plan established by that Act.

#### SCHEDULE

#### Breast reconstruction

- -breast skin reconstruction by flaps or grafts
- -breast mound creation by prosthesis and/or soft tissue
- -nipple reconstruction by grafts
- 2. This Act comes into force on the day it receives Royal Commencement Assent.
- 3. The short title of this Act is The Insured Health Services Short title Act, 1980.

An Act respecting Insured Services under the Ontario Health Insurance Plan

1st Reading April 10th, 1980

2nd Reading

3rd Reading

MR. MARTEL

(Private Member's Bill)

Private Member's Bill

4TH SESSION, 31ST LEGISLATURE, ONTARIO 29 ELIZABETH II, 1980

An Act respecting the Sale of Beer at the Canadian National Exhibition Stadium

MR. WARNER

#### EXPLANATORY NOTE

The purpose of this Bill is to declare the Canadian National Exhibition stadium to be a licensed premises for the sale and service of beer at games played by the Toronto Blue Jays baseball team.

BILL 41 1980

# An Act respecting the Sale of Beer at the Canadian National Exhibition Stadium

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1. In this Act, "light beer" means beer that contains not more Interpretation 4.0 per cent of alcohol by volume.
- **2.** Notwithstanding any provision of *The Liquor Licence Act*, Stadium as 1975, the Canadian National Exhibition is hereby declared to be a premises licensed premises for the sale and service of beer on the occasion of 1975, c. 40 baseball games played by the Toronto Blue Jays baseball team.
- **3.**—(1) Beer sold under the authority of this Act shall be light Light beer beer only and shall be served in plastic or paper cups.
- (2) Beer sold under the authority of this Act may be sold only Limitation during the period between one-half hour before a Toronto Blue Jays' baseball game is scheduled to commence and the time at which the game comes to an end.
- **4.** The Lieutenant Governor in Council may make regulations respecting the sale and service of beer at Toronto Blue Jays' baseball games at the Canadian National Exhibition stadium.
- 5. This Act comes into force on the day it receives Royal Commence-Assent.
- **6.** The short title of this Act is *The Beer in the Ball Park Act*, Short title 1980.

An Act respecting the Sale of Beer at the Canadian National Exhibition Stadium

1st Reading April 11th, 1980

2nd Reading

3rd Reading

MR. WARNER

(Private Member's Bill)

Government Bill

4TH SESSION, 31ST LEGISLATURE, ONTARIO 29 ELIZABETH II, 1980

An Act to amend The Legislative Assembly Act

THE HON. T. L. WELLS Minister of Intergovernmental Affairs

#### EXPLANATORY NOTES

Section 1. The annual indemnity of members of the Assembly is increased from \$22,000 to \$24,500.

SECTION 2. Leaders' (representation) allowances are increased:

- 1. For the Premier, from \$4,914 to \$6,000.
- 2. For the Leader of the Opposition, from \$3,276 to \$4,000.
- 3. For the Leader of the Third Party, from \$1,638 to \$2,000.

Section 3. Additional indemnities are increased:

- 1. For the Speaker, from \$15,000 to \$15,500.
- 2. For the Leader of the Opposition, from \$19,656 to \$21,000.
- 3. For the Leader of the Third Party, from \$5,460 to \$8,000.

BILL 42 1980

## An Act to amend The Legislative Assembly Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1. Subsection 1 of section 60 of *The Legislative Assembly Act*, being s. 60 (1), chapter 240 of the Revised Statutes of Ontario, 1970, as re-enacted by the Statutes of Ontario, 1979, chapter 75, section 1, is repealed and the following substituted therefor:
  - (1) An indemnity at the rate of \$24,500 per annum shall be paid Members' indemnities to every member of the Assembly.
- 2. Section 61 of the said Act, as re-enacted by the Statutes of Ontario, s. 61, 1979, chapter 75, section 2, is repealed and the following substituted therefor:
  - 61. In addition to his indemnity and allowance for expenses as Leaders' a member there shall be paid a Leader's allowance,
    - (a) to the Premier, at the rate of \$6,000 per annum;
    - (b) to the Leader of the Opposition, at the rate of \$4,000 per annum; and
    - (c) to the leader of a party, except the Premier and the Leader of the Opposition, that has a recognized membership of twelve or more persons in the Assembly, at the rate of \$2,000 per annum.
- **3.** Subsection 1 of section 62 of the said Act, as re-enacted by the s. 62 (1). Statutes of Ontario, 1979, chapter 75, section 3, is repealed and the following substituted therefor:
  - (1) In addition to his indemnity as a member, there shall be Indemnity; of Speaker, paid,
    - (a) to the Speaker an indemnity at the rate of \$15,500 per and leader of a minority party

- (b) to the Leader of the Opposition an indemnity at the rate of \$21,000 per annum; and
- (c) to the leader of a party, except the Premier and the Leader of the Opposition, that has a recognized membership of twelve or more persons in the Assembly an indemnity at the rate of \$8,000 per annum.

s. 63 (1) (*c*), re-enacted

- **4.** Clause *c* of subsection 1 of section 63 of the said Act, as re-enacted by the Statutes of Ontario, 1979, chapter 75, section 5, is repealed and the following substituted therefor:
  - (c) to the chairman of each standing committee at the rate of \$3,300 per annum.

s. 64 (1), re-enacted **5.** Subsection 1 of section 64 of the said Act, as re-enacted by the Statutes of Ontario, 1979, chapter 75, section 6, is repealed and the following substituted therefor:

Whips, indemnities

- (1) In addition to his indemnity as a member, an indemnity shall be paid,
  - (a) to the Chief Government Whip, at the rate of \$7,000 per annum;
  - (b) to the Deputy Government Whip, at the rate of \$4,300 per annum;
  - (c) to each of not more than three Government Whips, at the rate of \$3,000 per annum;
  - (d) to the Chief Opposition Whip, at the rate of \$4,300 per annum;
  - (e) to each of not more than two Opposition Whips, at the rate of \$3,000 per annum; and
  - (f) in the case of each party that has a recognized membership of twelve or more persons in the Assembly, other than the party from which the Government is chosen and the party recognized as the Official Opposition,
    - (i) to the Chief Party Whip of the party, at the rate of \$3,500 per annum, and
    - (ii) to the Party Whip of the party, at the rate of \$2,750 per annum.

Section 4. The additional indemnity of chairmen of standing committees is increased from \$3,000 to \$3,300.

#### Section 5. Additional indemnities to Whips are increased as follows:

- 1. For the Chief Government Whip, from \$6,500 to \$7,000.
- 2. For the Deputy Government Whip, from \$4,000 to \$4,300.
- 3. For the Government Whips, from \$2,750 to \$3,000.
- 4. For the Chief Opposition Whip, from \$4,000 to \$4,300.
- 5. For the Opposition Whips, from \$2,750 to \$3,000.
- 6. For the Chief Party Whip of the Third Party, from \$3,250 to \$3,500.
- 7. For the Party Whip of the Third Party, from \$2,500 to \$2,750.

Section 6. Additional indemnities are increased as follows:

- 1. For the Opposition House Leader, from \$4,500 plus \$50 in respect of each member of the Official Opposition to \$7,000.
- 2. For the House Leader of the Third Party, from \$2,500 plus \$50 in respect of each member of the party to \$5,000.

- **6.** Section 68 of the said Act, as re-enacted by the Statutes of Ontario, s. 68. 1979, chapter 75, section 8, is repealed and the following substituted therefor:
  - 68. In addition to his indemnity as a member, an indemnity House Leaders' shall be paid,
    - (a) to the Opposition House Leader, at the rate of \$7,000 per annum;
    - (b) to the House Leader of a party, other than the party from which the Government is chosen and the party recognized as the Official Opposition, that has a recognized membership of twelve or more persons in the Assembly at the rate of \$5,000 per annum.
- This Act shall be deemed to have come into force on the 1st day of Commence-April, 1980.
- **8.** The short title of this Act is *The Legislative Assembly Amendment* Short title Act, 1980.

An Act to amend The Legislative Assembly Act

1st Reading
April 17th, 1980
2nd Reading

3rd Reading

THE HON. T. L. WELLS
Minister of Intergovernmental Affairs

(Government Bill)

4TH SESSION, 31ST LEGISLATURE, ONTARIO
29 ELIZABETH II, 1980

### An Act to amend The Legislative Assembly Act

THE HON. T. L. WELLS Minister of Intergovernmental Affairs





BILL 42

1980

#### An Act to amend The Legislative Assembly Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1. Subsection 1 of section 60 of *The Legislative Assembly Act*, being s. 60 (1), chapter 240 of the Revised Statutes of Ontario, 1970, as re-enacted by the Statutes of Ontario, 1979, chapter 75, section 1, is repealed and the following substituted therefor:
  - (1) An indemnity at the rate of \$24,500 per annum shall be paid Members' to every member of the Assembly.
- 2. Section 61 of the said Act, as re-enacted by the Statutes of Ontario, s. 61, 1979, chapter 75, section 2, is repealed and the following substituted therefor:
  - 61. In addition to his indemnity and allowance for expenses as Leaders' a member there shall be paid a Leader's allowance,
    - (a) to the Premier, at the rate of \$6,000 per annum;
    - (b) to the Leader of the Opposition, at the rate of \$4,000 per annum; and
    - (c) to the leader of a party, except the Premier and the Leader of the Opposition, that has a recognized membership of twelve or more persons in the Assembly, at the rate of \$2,000 per annum.
- **3.** Subsection 1 of section 62 of the said Act, as re-enacted by the s. 62 (1), Statutes of Ontario, 1979, chapter 75, section 3, is repealed and the following substituted therefor:
  - (1) In addition to his indemnity as a member, there shall be Indemnity; of Speaker, Leader of Opposition
    - (a) to the Speaker an indemnity at the rate of \$15,500 per and leader of annum;

- (b) to the Leader of the Opposition an indemnity at the rate of \$21,000 per annum; and
- (c) to the leader of a party, except the Premier and the Leader of the Opposition, that has a recognized membership of twelve or more persons in the Assembly an indemnity at the rate of \$8,000 per annum.

- s. 63 (1) (c), re-enacted
- **4.** Clause *c* of subsection 1 of section 63 of the said Act, as re-enacted by the Statutes of Ontario, 1979, chapter 75, section 5, is repealed and the following substituted therefor:
  - (c) to the chairman of each standing committee at the rate of \$3,300 per annum.

- s. 64 (1), re-enacted
- **5.** Subsection 1 of section 64 of the said Act, as re-enacted by the Statutes of Ontario, 1979, chapter 75, section 6, is repealed and the following substituted therefor:

#### Whips, indemnities

- (1) In addition to his indemnity as a member, an indemnity shall be paid,
  - (a) to the Chief Government Whip, at the rate of \$7,000 per annum;
  - (b) to the Deputy Government Whip, at the rate of \$4,300 per annum;
  - (c) to each of not more than three Government Whips, at the rate of \$3,000 per annum;
  - (d) to the Chief Opposition Whip, at the rate of \$4,300 per annum;
  - (e) to each of not more than two Opposition Whips, at the rate of \$3,000 per annum; and
  - (f) in the case of each party that has a recognized membership of twelve or more persons in the Assembly, other than the party from which the Government is chosen and the party recognized as the Official Opposition,
    - (i) to the Chief Party Whip of the party, at the rate of \$3,500 per annum, and
    - (ii) to the Party Whip of the party, at the rate of \$2,750 per annum.

- **6.** Section 68 of the said Act, as re-enacted by the Statutes of Ontario, s. 68, 1979, chapter 75, section 8, is repealed and the following substituted therefor:
  - 68. In addition to his indemnity as a member, an indemnity House Leaders' shall be paid,
    - (a) to the Opposition House Leader, at the rate of \$7,000 per annum;
    - (b) to the House Leader of a party, other than the party from which the Government is chosen and the party recognized as the Official Opposition, that has a recognized membership of twelve or more persons in the Assembly at the rate of \$5,000 per annum.
- This Act shall be deemed to have come into force on the 1st day of Commence-April, 1980.
- 8. The short title of this Act is The Legislative Assembly Amendment Short title Act, 1980.





# An Act to amend The Legislative Assembly Act

1st Reading April 17th, 1980

2nd Reading May 13th, 1980

3rd Reading
June 3rd, 1980

THE HON. T. L. WELLS Minister of Intergovernmental Affairs

Publication

4TH SESSION, 31ST LEGISLATURE, ONTARIO 29 ELIZABETH II, 1980

An Act to amend The Executive Council Act

THE HON. T. L. WELLS
Minister of Intergovernmental Affairs

#### EXPLANATORY NOTES

Annual salaries are increased as follows:

- 1. Minister with portfolio, from \$19,656 to \$21,000.
- 2. First Minister, in addition, from \$7,644 to \$8,900.
- 3. Minister without portfolio, from \$8,190 to \$9,000.
- 4. Parliamentary Assistant, from \$5,460 to \$6,500.

BILL 43 1980

#### An Act to amend The Executive Council Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1. Subsections 1, 2, 3 and 3a of section 3 of *The Executive Council Act*, s. 3 (1, 2, 3, being chapter 153 of the Revised Statutes of Ontario, 1970, as re-enacted re-enacted by the Statutes of Ontario, 1979, chapter 76, section 1, are repealed and the following substituted therefor:
  - (1) The annual salary of every minister with portfolio is Salaries \$21,000.
  - (2) The member of the Executive Council holding the recog-  $^{\rm Additional}_{\rm salary\ for}$  nized position of First Minister shall receive, in addition, \$8,900  $^{\rm First}_{\rm First}$  per annum.
  - (3) The annual salary of every minister without portfolio is Salary of minister without portfolio sylvatous without portfolio
  - (3a) The annual salary of every Parliamentary Assistant is Salary of Parliamentary Assistant is Salary of Parliamentary Assistant
- This Act shall be deemed to have come into force on the 1st day of Commence-April, 1980.
- **3.** The short title of this Act is *The Executive Council Amendment Act*, Short title 1980.

An Act to amend The Executive Council Act

1st Reading April 17th, 1980

2nd Reading

3rd Reading

THE HON. T. L. Wells Minister of Intergovernmental Affairs

(Government Bill)

4TH SESSION, 31ST LEGISLATURE, ONTARIO
29 ELIZABETH II, 1980

#### An Act to amend The Executive Council Act

THE HON. T. L. WELLS Minister of Intergovernmental Affairs





BILL 43 1980

#### An Act to amend The Executive Council Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- **1.** Subsections 1, 2, 3 and 3a of section 3 of *The Executive Council Act*, s. 3 (1, 2, 3, being chapter 153 of the Revised Statutes of Ontario, 1970, as re-enacted re-enacted by the Statutes of Ontario, 1979, chapter 76, section 1, are repealed and the following substituted therefor:
  - (1) The annual salary of every minister with portfolio is Salaries \$21,000.
  - (2) The member of the Executive Council holding the recog-Additional nized position of First Minister shall receive, in addition, \$8,900 First per annum.
  - (3) The annual salary of every minister without portfolio is Salary of minister without portfolio portfolio portfolio
  - (3a) The annual salary of every Parliamentary Assistant is Salary of Parliamentary Assistant is Salary of Parliamentary Assistant
- This Act shall be deemed to have come into force on the 1st day of Commence-April, 1980.
- **3.** The short title of this Act is *The Executive Council Amendment Act*, Short title 1980.

An Act to amend The Executive Council Act

1st Reading April 17th, 1980

2nd Reading

May 27th, 1980

3rd Reading June 3rd, 1980

THE HON. T. L. Wells Minister of Intergovernmental Affairs

Private Member's Bill

1356

4TH SESSION, 31ST LEGISLATURE, ONTARIO
29 ELIZABETH II, 1980 4 Logislature Asse

An Act to acquire the Assets of Inco Limited

MR. MARTEL

#### EXPLANATORY NOTE

The purpose of the Bill is to vest the title and control of the assets situate in Ontario of Inco Limited in a Crown corporation, The Ontario Nickel Corporation. If compensation cannot be agreed upon, provision is made for arbitration. The objects of The Ontario Nickel Corporation include the task of operating and maintaining the assets of Inco Limited so as to provide employment and other economic benefits to the Province of Ontario.

BILL 44 1980

## An Act to acquire the Assets of Inco Limited

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1. In this Act, "Corporation" means The Ontario Nickel  $_{\rm tation}^{\rm Interpretation}$
- **2.**—(1) There is hereby established, on behalf of Her  $_{
  m Nickel}^{
  m The\ Ontario}$  Majesty in right of Ontario, a corporation without share  $_{
  m Corporation}^{
  m Corporation}$  capital under the name of "The Ontario Nickel Corporation".  $_{
  m established}^{
  m Corporation}$ ".
- (2) There shall be a Board of Directors of the Corporation Board of Consisting of such members as may be appointed by the Lieutenant Governor in Council.
- (3) The Lieutenant Governor in Council shall designate Chairman one of the directors as chairman of the Board.
- (4) The Corporation shall have a seal which shall be  $^{\rm Seal}$  adopted by resolution or by-law.
- **3.**—(1) The affairs of the Corporation are under the Management management and control of the Board of Directors.
- (2) The chairman shall preside at all meetings of the Chairman Board and, in his absence, one of the directors present thereat who is chosen so to act by the directors present shall preside and has and may exercise the powers of the chairman.
- (3) A majority of the directors constitutes a quorum for Quorum the transaction of business at meetings of the Board.
- (4) The Board may make by-laws regulating its pro-By-laws ceedings and generally for the conduct and management of the affairs of the Corporation.

Powers of Board R.S.O. 1970, c. 89 **4.** The Board of Directors has such powers as are necessary for the purpose of carrying out its objects including the powers set out in sections 304 and 305 of *The Corporations Act* and section 24 of that Act, except clauses m, p, q, r, s, t, u and v of subsection 1, but otherwise *The Corporations Act* does not apply to the Corporation.

Objects

- 5. The objects of the Corporation are to,
  - (a) take possession of the property, both real and personal, and the works and undertakings of Inco Limited and its subsidiaries situated in the Province of Ontario; and
  - (b) create, develop and increase income, employment, and other economic benefits to the Province by operating and maintaining, or by encouraging and assisting in the establishment, expansion and continued operation and maintenance of the property, works and undertakings acquired and possessed under this Act,

Head office

**6.** The head office of the Corporation shall be in The Regional Municipality of Sudbury.

Assets of Inco vest in the Corporation 7. All assets, including all real and personal property, works and undertakings, of Inco Limited and its subsidiaries situated in Ontario are hereby vested in The Ontario Nickel Corporation and the Corporation is hereby entitled to the possession, management and control of the said assets.

Notice of arbitration **8.**—(1) If agreement for compensation for the assets of Inco Limited vested in the Corporation by section 7 is not reached within thirty days from the date this Act comesinto force, either party may serve notice of arbitration upon the other and upon the Land Compensation Board, as constituted under *The Expropriations Act*, stating that it requires that the compensation payable be determined by arbitration.

Idem

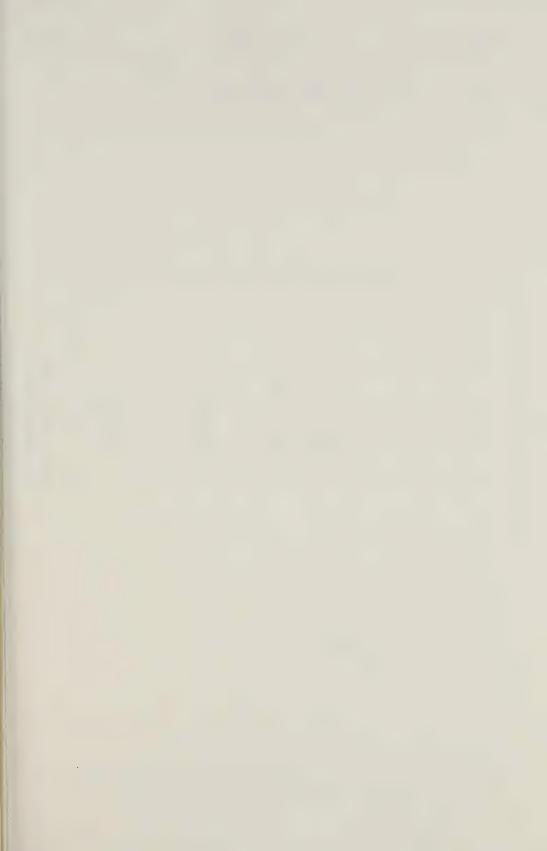
(2) The notice of arbitration referred to in subsection 1 shall be deemed to be a notice under clause b of section 26 of *The Expropriations Act* and, upon service of the notice, the practice and procedure under *The Expropriations Act* shall apply to the arbitration under this Act.

Application of R.S.O. 1970, c. 154

**9.**—(1) Sections 29, 30, 31, 32, 33 and 34 of *The Expropriations Act* apply to the taking of the assets referred to in section 7 in the same manner as if they were land.

- (2) Compensation for the assets referred to in section 7 <sup>Idem</sup> is to be determined in accordance with sections 13, 14, 16, 17, subsection 2 of section 19 and section 20 of *The Ex-R.S.O.* 1970, propriations Act in the same manner as if they were land.
- (3) For the purposes of an arbitration under this Act, Interpreta reference to "expropriating authority" and to "statutory authority" in *The Expropriations Act* is a reference to the Corporation.
- 10. The compensation payable as a result of this Act Compensation stands in place of the assets of Inco Limited vested in the Corporation under section 7 and any claim to or encumbrance on the assets is deemed to be a claim to or an encumbrance on the compensation payable and not a claim or encumbrance on the assets.
- **11.** The Bulk Sales Act does not apply to the transfer of R.S.O. 1970, c. 52 assets provided for in this Act.
- 12. The Corporation shall, after the close of each fiscal Annual year, deliver to the Minister of Natural Resources an annual report upon the affairs of the Corporation, and the Minister shall submit the report to the Lieutenant Governor in Council and shall then lay the report before the Assembly if it is in session or, if not, at the next ensuing session.
- 13. This Act comes into force on the day it receives Royal Commence-Assent.
- 14. The short title of this Act is The Inco Limited Short title Acquisition Act, 1980.





An Act to acquire the Assets of Inco Limited

1st Reading April 17th, 1980

2nd Reading

3rd Reading

MR. MARTEL

(Private Member's Bill)

BILL 45

Publications -

Government Bill

4TH SESSION, 31ST LEGISLATURE, ONTARIO
29 ELIZABETH II, 1980 J. Legisla

An Act respecting the City of Toronto

THE HON. T. L. WELLS Minister of Intergovernmental Affairs

#### EXPLANATORY NOTE

In 1907 the council of The Corporation of the City of Toronto recommended that \$500 be paid to Tom Longboat in recognition of his victory in the Boston Marathon. That amount was not paid. The City council has now decided that it would like to make an appropriate payment to his surviving children. This Bill authorizes such a payment.

BILL 45 1980

#### An Act respecting the City of Toronto

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as

1. The Corporation of the City of Toronto may make a grant in Payment the amount of \$10,000 to Thomas C. Longboat, Jr., Phyllis Win-children nie and Theodore J. Longboat to be divided as equally as possible of Tom Longboat among them.

- 2. This Act comes into force on the day it receives Royal Commencement Assent.
  - 3. The short title of this Act is The City of Toronto Act, 1980. Short title

An Act respecting the City of Toronto

1st Reading
April 18th, 1980
2nd Reading

3rd Reading

THE HON. T. L. Wells Minister of Intergovernmental Affairs

(Government Bill)

Government Bill

4TH SESSION, 31ST LEGISLATURE, ONTARIO 29 ELIZABETH II, 1980

An Act respecting Tom Longboat and the City of Toronto

THE HON. T. L. WELLS Minister of Intergovernmental Affairs

Line 28 CO

(Reprinted as amended by the Committee of the Whole House)

#### EXPLANATORY NOTE

In 1907 the council of The Corporation of the City of Toronto recommended that \$500 be paid to Tom Longboat in recognition of his victory in the Boston Marathon. That amount was not paid. The City council has now decided that it would like to make an appropriate payment to his surviving children. This Bill authorizes such a payment.

BILL 45 1980

#### An Act respecting Tom Longboat and the City of Toronto



FER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. The Corporation of the City of Toronto may make a grant Payment to in the amount of \$10,000 to Thomas C. Longboat, Jr., Phyllis Tom Longboat Winnie, Theodore J. Longboat and such other children of Tom authorized Longboat as the council of the Corporation may by by-law designate, to be divided as equally as possible among them

2. This Act comes into force on the day it receives Royal Commence-Assent.

3. The short title of this Act is The Tom Longboat Act, 1980. Short title



An Act respecting

Tom Longboat and the City of Toronto

1st Reading April 18th, 1980

2nd Reading May 13th, 1980

3rd Reading

THE HON. T. L. Wells Minister of Intergovermental Affairs

(Reprinted as amended by the Committee of the Whole House)

BILL 45

4TH SESSION, 31ST LEGISLATURE, ONTARIO
29 ELIZABETH II, 1980 2 Landalum Amerika

An Act respecting Tom Longboat and the City of Toronto

THE HON. T. L. WELLS
Minister of Intergovernmental Affairs





BILL 45 1980

# An Act respecting Tom Longboat and the City of Toronto

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1. The Corporation of the City of Toronto may make a grant Payment to in the amount of \$10,000 to Thomas C. Longboat, Jr., Phyllis Tom Longboat Winnie, Theodore J. Longboat and such other children of Tom authorized Longboat as the council of the Corporation may by by-law designate, to be divided as equally as possible among them.
- **2.** This Act comes into force on the day it receives Royal Commence-Assent.
  - 3. The short title of this Act is The Tom Longboat Act, 1980. Short title

An Act respecting
Tom Longboat and the City of Toronto

1st Reading April 18th, 1980

2nd Reading

May 13th, 1980

3rd Reading
May 16th, 1980

THE HON. T. L. WELLS Minister of Intergovermental Affairs

4TH SESSION, 31ST LEGISLATURE, ONTARIO
29 ELIZABETH II, 1980 Legislative Assertion

An Act to amend The Municipal Act

THE HON. T. L. WELLS Minister of Intergovernmental Affairs

## EXPLANATORY NOTES

Section 1. This section provides that a volunteer fire fighter, who is not otherwise employed by a municipality or a local board thereof, is not ineligible to be elected or hold office as a member of council.

Section 2.—Subsection 1. Paragraph 67a of section 352 permits a municipality to purchase insurance and pay damages with respect to acts or omissions of employees in the course of their employment. The proposed clause c clarifies that a by-law passed under paragraph 67a may apply to persons who have ceased to be employees at the time an action is settled. The proposed clause d clarifies that paragraph 67a does not apply to acts or omissions that occurred prior to the enactment of the said paragraph.

Subsection 2. The proposed amendment removes the requirement that a board of management for parks must have at least three and not more than seven members. The amendment also removes the requirement that at least two members of the board must be members of council where the board is composed of more than four members.

BILL 46 1980

# An Act to amend The Municipal Act

TER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 36 of The Municipal Act, being chapter 284 of the Revised 5. 36, Statutes of Ontario, 1970, as re-enacted by the Statutes of Ontario, 1972, chapter 169, section 1, and amended by the Statutes of Ontario, 1973, chapter 83, section 2 and 1974, chapter 85, section 1, is further amended by adding thereto the following subsection:

(6) A person is not ineligible to be elected or to hold office as a Volunteer member of council only by reason of being a volunteer fire fighter fighters. as defined in The Fire Departments Act and subsections 3, 4 and 5 R.S.O. 1970, do not apply to a person who is a volunteer fire fighter but who is c. 169 not otherwise employed by the municipality or a local board thereof.

- 2.—(1) Paragraph 67a of section 352 of the said Act, as enacted by the s. 352, Statutes of Ontario, 1978, chapter 32, section 16, is amended amended amended by adding thereto the following clauses:
  - (c) A by-law passed under this paragraph may provide that Former it applies to a person who was an employee at the time the cause of action or other proceeding arose but who prior to judgment or other settlement of the action or proceeding has ceased to be an employee.

- (d) This paragraph does not apply to an act or omission that Application occurred prior to the 20th day of June, 1978.
- (2) Clause c of paragraph 68 of the said section 352 is repealed and s. 352. par. 68 (c), the following substituted therefor: re-enacted
  - (c) Where land is acquired under this paragraph for park purposes and there is no board of park management, the council may appoint such number of persons qualified to hold office as a member of council as it considers appropriate to act on its behalf as a board of management for any undertaking under this paragraph.

s. 361 (1), re-enacted

Improvement area may be designated by by-law

- **3.**—(1) Subsection 1 of section 361 of the said Act is repealed and the following substituted therefor:
  - (1) The council of a local municipality may pass by-laws designating an area as an improvement area and may exempt from such area the whole or any portion of any property situate within the perimeter of the area and may by by-law establish for any such area so designated a Board of Management to which may be entrusted, subject to such limitations as the by-law may provide, the improvement, beautification and maintenance of municipally owned lands, buildings and structures in the area, beyond such improvement, beautification and maintenance as is provided at the expense of the municipality at large, and the promotion of the area as a business or shopping area.

s. 361, amended (2) The said section 361, as amended by the Statutes of Ontario, 1976, chapter 69, section 11 and 1978, chapter 32, section 18, is further amended by adding thereto the following subsection:

Approval of O.M.B.

(3a) Subject to subsection 3, where a petition objecting to the passing of a by-law referred to in subsection 2 signed by one or more persons entitled to notice as set out in that subsection is received by the clerk of the municipality within thirty days next following the latest day of the mailing of any of such notices, the by-law shall not come into force without the approval of the Municipal Board.

s. 361 (5), repealed (3) Subsection 5 of the said section 361 is repealed.

s. 361 (6), re-enacted (4) Subsection 6 of the said section 361, as re-enacted by the Statutes of Ontario, 1976, chapter 69, section 11, is repealed and the following substituted therefor:

Board of Management (6) A Board of Management established under subsection 1 is a body corporate and shall consist of such number of members appointed by council as the council considers advisable, at least one of whom shall be a member of the council and the remaining members shall be persons assessed for business assessment in respect of land in the area or nominees of such persons.

s. 361 (12), re-enacted (5) Subsection 12 of the said section 361 is repealed and the following substituted therefor:

Borrowing prohibited, restrictions on incurring indebtedness (12) The Board of Management shall not borrow money and, without the prior approval of the council, it may not incur any indebtedness extending beyond the current year.

Assent of electors, etc. R.S.O. 1970, c. 323

(12a) Section 293 of this Act and sections 64 and 65 of *The Ontario Municipal Board Act* apply to the giving of an approval of indebtedness by a council under subsection 12 as though the

Section 3. Section 361 permits municipalities to designate business improvement areas and provide for their management by a Board of Management.

Subsection 1. The proposed amendment to subsection 1 allows a municipality to exempt properties from a business improvement area.

Subsection 2. At present, all by-laws passed under subsection 1 must be referred to the Municipal Board.

Under the proposed amendment to this subsection and subsection 18, the by-law will be referred to the Municipal Board only where an objection to the by-law is received.

## Subsection 3. Subsection 5 of section 361 reads as follows:

(5) Where the council has proceeded under this section and has been prevented from passing the proposed by-law by reason of a petition objecting thereto having been presented under subsection 3, the council may again proceed under this section in respect of the area to be designated by any such by-law at any time after the expiry of the two years next following the presentation of the petition.

The repeal of subsection 5 will remove the two-year waiting period.

Subsection 4. The proposed amendment to subsection 6 removes the requirement that members of a Board of Management be eligible for election as members of council.

Subsection 5. The proposed amendments provide that a Board of Management shall not borrow money and shall not, without the prior approval of council, incur any indebtedness extending beyond the current year. Where an indebtedness is to extend beyond the current year, section 293 of *The Municipal Act*, requiring the assent of the electors, and section 64 of *The Ontario Municipal Board Act*, requiring municipal approval, apply to the approval of the indebtedness.

Subsection 6. The Proposed amendment to subsection 16 will permit a municipality to specify maximum and minimum charges with respect to a levy for the purposes of a Board of Management.

The proposed subsection 16a provides that a special charge may be levied on and shall be paid by persons assessed for business assessment who derive a special benefit from the establishment of the area.

The proposed subsections 16b to 16f are complementary to the re-enactment of subsection 16 and the enactment of subsection 16a and provide for notice of proposed by-laws and the reference of by-laws to the Municipal Board where an objection is received.

The proposed subsection 16g provides that where the municipality has borrowed money for the purposes of a Board of Management, only the portion repayable in a particular year shall be levied and charged in that year under subsection 16 or 16a.

giving of the approval were the incurring of the indebtedness by the municipality.

(6) Subsection 16 of the said section 361 is repealed and the s. 361 (16), following substituted therefor:

(16) Subject to such maximum and minimum charges as the Special council may specify by by-law, the council shall in each year levy a special charge upon persons in the area assessed for business assessment sufficient to provide a sum equal to the sum of money provided for the purposes of the Board of Management for that area, together with interest thereon at such rate as is required to repay any interest payable by the municipality on the whole or any part of such sum, which shall be borne and paid by such persons in the proportion that the assessed value of the real property that is used as the basis for computing the business assessment of each of such persons bears to the assessed value of all the real property in the area used as the basis for computing business assessment.

(16a) Notwithstanding subsection 16, the council may by by- Special charge where special law provide that the sum required for the purposes mentioned benefit therein shall be levied as a special charge upon and shall be borne derived and paid by persons in the area assessed for business assessment who in the opinion of the council derive special benefit from the establishment of the area, and the sum chargeable to such persons shall be equitably apportioned among them in accordance with the benefits that, in the opinion of the council, accrue to them from the establishment of the area.

(16b) Before the council passes a by-law specifying maximum Notice and minimum charges under subsection 16 or a by-law under subsection 16a, notice of the proposed by-law shall be,

- (a) published at least once a week for four successive weeks, and the by-law shall not be passed until after the expiry or fourteen days following the day on which the notice was last published; or
- (b) given in the same manner as a notice of a proposed by-law under subsection 2, and the by-law shall not be passed until the expiry of thirty days next following the latest day of the mailing of any such notices.

(16c) Any person who would be liable to a special charge levied Objections in accordance with a by-law proposed to be passed by the council of a municipality under subsection 16 specifying maximum or minimum charges or under subsection 16a may object to the proposed by-law by filing written notice of the objection with the clerk of the municipality before the expiry of the period mentioned in clause a or b of subsection 16b, as the case may be.

Approval of O.M.B.

(16*d*) Where an objection to a proposed by-law is made under subsection 16*c*, the proposed by-law shall not come into force without the approval of the Municipal Board.

Application

(16e) Subsections 16b, 16c and 16d do not apply to a by-law passed under subsection 16 or 16a to comply with an order of the Municipal Board under subsection 18.

Separate notices not required (16*f*) Notice of a proposed by-law required under subsection 16*b* may be given in the same notice as notice of a proposed by-law under subsection 2.

Proviso

(16g) Notwithstanding anything in subsection 16 or 16a, where moneys borrowed by the municipality are provided in any year by the council for the purposes of the Board of Management and where only a portion of such moneys are required to be repaid by the municipality to the lender in that year or in any subsequent year, only the portion of the moneys required to be repaid to the lender in any such year together with any interest repayable in that year in respect of the total of such moneys shall be included in the sum to be provided in that year by the levy under subsection 16 or 16a.

s. 361 (17), amended (7) Subsection 17 of the said section 361 is amended by inserting after "16" in the first line "or 16a".

s. 361, (17*a*-17*c*), re-enacted (8) Subsections 17a, 17b and 17c of the said section 361, as enacted by the Statutes of Ontario, 1978, chapter 32, section 18, are repealed and the following substituted therefor:

Additions to and exemptions from improvement (17a) The council of a local municipality may pass by-laws for designating as an improvement area an area that includes all of an existing improvement area designated under subsection 1 or for exempting from an existing improvement area designated under subsection 1 the whole or any portion of any property situate within the perimeter of the area.

Application of subss. 2-4

(17b) Subsections 2, 3, 3a and 4 apply with necessary modifications to the passing of a by-law under subsection 17a.

When by-law comes into effect (17c) A by-law passed under subsection 17a shall not come into force until the 1st day of January next after its passing, or, where the approval of the Municipal Board is required before such by-law may come into force, until the day specified by the Municipal Board.

s. 361 (18, 19), re-enacted (9) Subsections 18 and 19 of the said section 361 are repealed and the following substituted therefor:

Subsection 7. Subsection 17 of section 361, as amended, will provide that a special charge under subsection 16 or 16a may be collected in the same manner and with the same remedies as are provided in the Act for the collection of taxes upon business assessment. The amendment is complementary to the enactment of subsection 16a

Subsection 8. The proposed re-enactment of subsection 17a will permit the council of a local municipality to exempt any parcel of land from an existing business improvement area.

The proposed re-enactment of subsection 17b is complementary to the enactment of subsection 3a and the repeal of subsection 5 of the Act as set out in subsections 2 and 3 of this section of the Bill.

The proposed re-enactment of subsection 17c clarifies that, where a by-law under subsection 17a is referred to the Municipal Board, the by-law comes into effect on a day to be determined by the Municipal Board.

Subsection 9. The proposed re-enactment of subsection 18 removes the requirement that a by-law passed under subsection 1 must be referred to the Municipal Board. Only where an objection is received will a by-law passed under section 361 be referred to the Board.

The present subsection 19 is re-enacted as subsections 19 and 19a.

SECTION 4. Self-explanatory.

Section 5. Section 390a permits a municipality to purchase insurance and to pay damages with respect to acts or omissions of members of council and local boards. The proposed subsection 3 clarifies that a by-law passed under this section may apply to a person who has ceased to be a member of the council or local board at the time the action is settled. The proposed subsection 4 clarifies that section 390a does not apply to acts or omissions that occurred prior to the enactment of section 390a.

- (18) Where the approval of the Municipal Board of a by-law Approval passed under this section is required, the Municipal Board as a O.M.B. condition of giving its approval may by its order impose such restrictions, limitations and conditions with respect to such matter as may be necessary or expedient.
- (19) A by-law designating an improvement area may be Repeal repealed to take effect upon the 31st day of December in the year in by-law which it is passed.
- (19a) Notwithstanding anything in this section, subsections 2, Nonapplication of 3 and 3a do not apply to, subss. (2-3a)
  - (a) a by-law passed under subsection 1 or 17a to comply with an order of the Municipal Board under subsection 18; or
  - (b) a by-law passed under subsection 19.
- **4.** Notwithstanding section 3, where a notice of intention to pass a Transition by-law under subsection 1 or 17a of section 361 of The Municipal R.S.O. 1970, Act has been sent under subsection 2 of that Act prior to the coming c. 284 into force of this section, the passing of the by-law shall be subject to section 361 as it read immediately prior to the coming into force of this section.

- **5.** Section 390a of the said Act, as enacted by the Statutes of Ontario, s. 390a, 1978, chapter 101, section 11, is amended by adding thereto the following subsections:
  - (3) A by-law passed under this section may provide that it Former applies to a person who was a member of council or a local board, of council as the case may be, at the time the cause of action or other proceeding arose but who prior to judgment or other settlement of the action or proceeding has ceased to be a member of the council or local board.
  - (4) This section does not apply to an act or omission that Application occurred prior to the 15th day of December, 1978.
- 6. This Act comes into force on the day it receives Royal Assent. Commence-
- 7. The short title of this Act is The Municipal Amendment Act, 1980. Short title

An Act to amend The Municipal Act

DILL TO

1st Reading April 18th, 1980

2nd Reading

3rd Reading

THE HON. T. L. WELLS Minister of Intergovernmental Affairs

(Government Bill)

4TH SESSION, 31ST LEGISLATURE, ONTARIO 29 ELIZABETH II, 1980

An Act to amend The Municipal Act

THE HON. T. L. WELLS Minister of Intergovernmental Affairs

(Reprinted as amended by the General Government Committee)

#### EXPLANATORY NOTES

SECTION 1. This section provides that a volunteer fire fighter, who is not otherwise employed by a municipality or a local board thereof, is not ineligible to be elected or hold office as a member of council.

Section 2.—Subsection 1. Paragraph 67a of section 352 permits a municipality to purchase insurance and pay damages with respect to acts or omissions of employees in the course of their employment. The proposed clause c clarifies that a by-law passed under paragraph 67a may apply to persons who have ceased to be employees at the time an action is settled. The proposed clause d clarifies that paragraph 67a does not apply to acts or omissions that occurred prior to the enactment of the said paragraph.

Subsection 2. The proposed amendment removes the requirement that a board of management for parks must have at least three and not more than seven members. The amendment also removes the requirement that at least two members of the board must be members of council where the board is composed of more than four members.

BILL 46 1980

# An Act to amend The Municipal Act

FER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 36 of *The Municipal Act*, being chapter 284 of the Revised s. 36, amended Statutes of Ontario, 1970, as re-enacted by the Statutes of Ontario. 1972, chapter 169, section 1, and amended by the Statutes of Ontario, 1973, chapter 83, section 2 and 1974, chapter 85, section 1, is further amended by adding thereto the following subsection:

(6) A person is not ineligible to be elected or to hold office as a Volunteer member of council only by reason of being a volunteer fire fighter fighters as defined in The Fire Departments Act and subsections 3, 4 and 5 R.S.O. 1970, do not apply to a person who is a volunteer fire fighter but who is not otherwise employed by the municipality or a local board thereof.

- 2.—(1) Paragraph 67a of section 352 of the said Act, as enacted by the s. 352, Statutes of Ontario, 1978, chapter 32, section 16, is amended amended by adding thereto the following clauses:
  - (c) A by-law passed under this paragraph may provide that Former it applies to a person who was an employee at the time the cause of action or other proceeding arose but who prior to judgment or other settlement of the action or proceeding has ceased to be an employee.

- (d) This paragraph does not apply to an act or omission that Application occurred prior to the 20th day of June, 1978.
- (2) Clause c of paragraph 68 of the said section 352 is repealed and s. 352, par. 68 (c). the following substituted therefor: re-enacted
  - (c) Where land is acquired under this paragraph for park purposes and there is no board of park management, the council may appoint such number of persons qualified to hold office as a member of council as it considers appropriate to act on its behalf as a board of management for any undertaking under this paragraph.

s. 361, amended 3.—(1) Section 361 of the said Act, as amended by the Statutes of Ontario, 1976, chapter 69, section 11 and 1978, chapter 32, section 18, is further amended by adding thereto the following subsection:

Approval of O.M.B.

(3a) Subject to subsection 3, where a petition objecting to the passing of a by-law referred to in subsection 2 signed by one or more persons entitled to notice as set out in that subsection is received by the clerk of the municipality within thirty days next following the latest day of the mailing of any of such notices, the by-law shall not come into force without the approval of the Municipal Board.

s. 361 (5), repealed (2) Subsection 5 of the said section 361 is repealed.

s. 361 (6), re-enacted

(3) Subsection 6 of the said section 361, as re-enacted by the Statutes of Ontario, 1976, chapter 69, section 11, is repealed and the following substituted therefor:

Board of Management (6) A Board of Management established under subsection 1 is a body corporate and shall consist of such number of members appointed by council as the council considers advisable, at least one of whom shall be a member of the council and the remaining members shall be individuals assessed for business assessment in respect of land in the area or nominees of such individuals or of corporations so assessed.

s. 361 (12), re-enacted (4) Subsection 12 of the said section 361 is repealed and the following substituted therefor:

Borrowing prohibited, restrictions on incurring (12) The Board of Management shall not borrow money and, without the prior approval of the council, it may not incur any indebtedness extending beyond the current year.

Assent of electors, etc. R.S.O. 1970, c. 323

(12a) Section 293 of this Act and sections 64 and 65 of *The Ontario Municipal Board Act* apply to the giving of an approval of indebtedness by a council under subsection 12 as though the giving of the approval were the incurring of the indebtedness by the municipality.

s. 361 (16), re-enacted (5) Subsection 16 of the said section 361 is repealed and the following substituted therefor:

Special charge

(16) Subject to such maximum and minimum charges as the council may specify by by-law, the council shall in each year levy a special charge upon persons in the area assessed for business assessment sufficient to provide a sum equal to the sum of money provided for the purposes of the Board of Management for that area, together with interest thereon at such rate as is required to repay any interest payable by the municipality on the whole or any part of such sum, which shall be borne and paid by such persons in

Section 3. Section 361 permits municipalities to designate business improvement areas and provide for their management by a Board of Management.

Subsection 1. At present, all by-laws passed under subsection 1 must be referred to the Municipal Board.

Under the proposed subsection 3a and the proposed amendment to subsection 18, the by-law will be referred to the Municipal Board only where an objection to the by-law is received.

### Subsection 2. Subsection 5 of section 361 reads as follows:

(5) Where the council has proceeded under this section and has been prevented from passing the proposed by-law by reason of a petition objecting thereto having been presented under subsection 3, the council may again proceed under this section in respect of the area to be designated by any such by-law at any time after the expiry of the two years next following the presentation of the petition.

The repeal of subsection 5 will remove the two-year waiting period.

Subsection 3. The proposed amendment to subsection 6 removes the requirement that members of a Board of Management be eligible for election as members of council.

Subsection 4. The proposed amendments provide that a Board of Management shall not borrow money and shall not, without the prior approval of council, incur any indebtedness extending beyond the current year. Where an indebtedness is to extend beyond the current year, section 293 of *The Municipal Act*, requiring the assent of the electors, and section 64 of *The Ontario Municipal Board Act*, requiring municipal approval, apply to the approval of the indebtedness.

Subsection 5. The proposed amendment to subsection 16 will permit a municipality to specify maximum and minimum charges with respect to a levy for the purposes of a Board of Management.

The proposed subsection 16a provides that a special charge may be levied on and shall be paid by persons assessed for business assessment who derive a special benefit from the establishment of the area.

The proposed subsections 16b to 16f are complementary to the re-enactment of subsection 16a and the enactment of subsection 16a and provide for notice of proposed by-laws and the reference of by-laws to the Municipal Board where an objection is received.

The proposed subsection 16g provides that where the municipality has borrowed money for the purposes of a Board of Management, only the portion repayable in a particular year shall be levied and charged in that year under subsection 16 or 16a.



the proportion that the assessed value of the real property that is used as the basis for computing the business assessment of each of such persons bears to the assessed value of all the real property in the area used as the basis for computing business assessment.

(16a) Notwithstanding subsection 16, the council may by by- Special charge law provide that the sum required for the purposes mentioned benefit therein shall be levied as a special charge upon and shall be borne derived and paid by persons in the area assessed for business assessment who in the opinion of the council derive special benefit from the establishment of the area, and the sum chargeable to such persons shall be equitably apportioned among them in accordance with the benefits that, in the opinion of the council, accrue to them from the establishment of the area.

- (16b) Before the council passes a by-law specifying maximum Notice and minimum charges under subsection 16 or a by-law under subsection 16a, notice of the proposed by-law shall be,
  - (a) published at least once a week for four successive weeks. and the by-law shall not be passed until after the expiry or fourteen days following the day on which the notice was last published; or
  - (b) given in the same manner as a notice of a proposed by-law under subsection 2, and the by-law shall not be passed until the expiry of thirty days next following the latest day of the mailing of any such notices.
- (16c) Any person who would be liable to a special charge levied Objections in accordance with a by-law proposed to be passed by the council of a municipality under subsection 16 specifying maximum or minimum charges or under subsection 16a may object to the proposed by-law by filing written notice of the objection with the clerk of the municipality before the expiry of the period mentioned in clause a or b of subsection 16b, as the case may be.

- (16d) Where an objection to a proposed by-law is made under Approval subsection 16c, the proposed by-law shall not come into force O.M.B. without the approval of the Municipal Board.
- (16e) Subsections 16b, 16c and 16d do not apply to a by-law Application passed under subsection 16 or 16a to comply with an order of the Municipal Board under subsection 18.
- (16f) Notice of a proposed by-law required under subsection Separate 16b may be given in the same notice as notice of a proposed by-law not under subsection 2.

Proviso

(16g) Notwithstanding anything in subsection 16 or 16a, where moneys borrowed by the municipality are provided in any year by the council for the purposes of the Board of Management and where only a portion of such moneys are required to be repaid by the municipality to the lender in that year or in any subsequent year, only the portion of the moneys required to be repaid to the lender in any such year together with any interest repayable in that year in respect of the total of such moneys shall be included in the sum to be provided in that year by the levy under subsection 16 or 16a.

s. 361 (17), amended (6) Subsection 17 of the said section 361 is amended by inserting after "16" in the first line "or 16a".

s. 361, (17b, 17c), re-enacted (7) Subsections 17b and 17c of the said section 361, as enacted by the Statutes of Ontario, 1978, chapter 32, section 18, are repealed and the following substituted therefor:

Application of subss. 2-4

(17b) Subsections 2, 3, 3a and 4 apply with necessary modifications to the passing of a by-law under subsection 17a.

When by-law comes into (17c) A by-law passed under subsection 17a shall not come into force until the 1st day of January next after its passing, or, where the approval of the Municipal Board is required before such by-law may come into force, until the day specified by the Municipal Board.

s. 361 (18, 19), re-enacted (8) Subsections 18 and 19 of the said section 361 are repealed and the following substituted therefor:

Approval of O.M.B.

(18) Where the approval of the Municipal Board of a by-law passed under this section is required, the Municipal Board as a condition of giving its approval may by its order impose such restrictions, limitations and conditions with respect to such matter as may be necessary or expedient.

Repeal of by-law (19) A by-law designating an improvement area may be repealed to take effect upon the 31st day of December in the year in which it is passed.

Non-application of subss. (2-3a)

- (19a) Notwithstanding anything in this section, subsections 2, 3 and 3a do not apply to,
  - (a) a by-law passed under subsection 1 or 17a to comply with an order of the Municipal Board under subsection 18; or
  - (b) a by-law passed under subsection 19.

Subsection 6. Subsection 17 of section 361, as amended, will provide that a special charge under subsection 16 or 16a may be collected in the same manner and with the same remedies as are provided in the Act for the collection of taxes upon business assessment. The amendment is complementary to the enactment of subsection 16a.

Subsection .7. The proposed re-enactment of subsection 17b is complementary to the enactment of subsection 3a and the repeal of subsection 5 of the Act as set out in subsections 1 and 2 of this section of the Bill.

The proposed re-enactment of subsection 17c clarifies that, where a by-law under subsection 17a is referred to the Municipal Board, the by-law comes into effect on a day to be determined by the Municipal Board.

Subsection 8. The proposed re-enactment of subsection 18 removes the requirement that a by-law passed under subsection 1 must be referred to the Municipal Board. Only where an objection is received will a by-law passed under section 361 be referred to the Board.

The present subsection 19 is re-enacted as subsections 19 and 19a.

Section 5. Section 390a permits a municipality to purchase insurance and to pay damages with respect to acts or omissions of members of council and local boards. The proposed subsection 3 clarifies that a by-law passed under this section may apply to a person who has ceased to be a member of the council or local board at the time the action is settled. The proposed subsection 4 clarifies that section 390a does not apply to acts or omissions that occurred prior to the enactment of section 390a.

**4.** Notwithstanding section 3, where a notice of intention to pass a Transition by-law under subsection 1 or 17a of section 361 of The Municipal R.S.O. 1970. Act has been sent under subsection 2 of that Act prior to the coming c. 284 into force of this section, the passing of the by-law shall be subject to section 361 as it read immediately prior to the coming into force of this section.

- 5. Section 390a of the said Act, as enacted by the Statutes of Ontario, s. 390a. 1978, chapter 101, section 11, is amended by adding thereto the following subsections:
  - (3) A by-law passed under this section may provide that it Former applies to a person who was a member of council or a local board, of council as the case may be, at the time the cause of action or other proceeding arose but who prior to judgment or other settlement of the action or proceeding has ceased to be a member of the council or local board.

- (4) This section does not apply to an act or omission that Application occurred prior to the 15th day of December, 1978.
- **6.** This Act comes into force on the day it receives Royal Assent.

Commence-

**7.** The short title of this Act is *The Municipal Amendment Act*, 1980. Short title

An Act to amend The Municipal Act

1st Reading
April 18th, 1980

2nd Reading May 27th, 1980

3rd Reading

THE HON. T. L. Wells Minister of Intergovernmental Affairs

(Reprinted as amended by the General Government Committee)

4TH SESSION, 31ST LEGISLATURE, ONTARIO 29 ELIZABETH II, 1980

An Act to amend The Municipal Act

THE HON. T. L. WELLS Minister of Intergovernmental Affairs



BILL 46 1980

# An Act to amend The Municipal Act

**TER MAJESTY**, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 36 of *The Municipal Act*, being chapter 284 of the Revised amended amended Statutes of Ontario, 1970, as re-enacted by the Statutes of Ontario, 1972, chapter 169, section 1, and amended by the Statutes of Ontario, 1973, chapter 83, section 2 and 1974, chapter 85, section 1, is further amended by adding thereto the following subsection:

(6) A person is not ineligible to be elected or to hold office as a Volunteer member of council only by reason of being a volunteer fire fighter fighters as defined in The Fire Departments Act and subsections 3, 4 and 5 R.S.O. 1970, do not apply to a person who is a volunteer fire fighter but who is c. 169 not otherwise employed by the municipality or a local board thereof.

- 2.—(1) Paragraph 67a of section 352 of the said Act, as enacted by the s. 352, Statutes of Ontario, 1978, chapter 32, section 16, is amended amended amended by adding thereto the following clauses:
  - (c) A by-law passed under this paragraph may provide that Former it applies to a person who was an employee at the time employees the cause of action or other proceeding arose but who prior to judgment or other settlement of the action or proceeding has ceased to be an employee.
  - (d) This paragraph does not apply to an act or omission that Application occurred prior to the 20th day of June, 1978.
  - (2) Clause c of paragraph 68 of the said section 352 is repealed and s. 352. par. 68 (c), the following substituted therefor: re-enacted
    - (c) Where land is acquired under this paragraph for park purposes and there is no board of park management, the council may appoint such number of persons qualified to hold office as a member of council as it considers appropriate to act on its behalf as a board of management for any undertaking under this paragraph.

s. 361, amended 3.—(1) Section 361 of the said Act, as amended by the Statutes of Ontario, 1976, chapter 69, section 11 and 1978, chapter 32, section 18, is further amended by adding thereto the following subsection:

Approval of O.M.B.

(3a) Subject to subsection 3, where a petition objecting to the passing of a by-law referred to in subsection 2 signed by one or more persons entitled to notice as set out in that subsection is received by the clerk of the municipality within thirty days next following the latest day of the mailing of any of such notices, the by-law shall not come into force without the approval of the Municipal Board.

s. 361 (5), repealed (2) Subsection 5 of the said section 361 is repealed.

s. 361 (6), re-enacted (3) Subsection 6 of the said section 361, as re-enacted by the Statutes of Ontario, 1976, chapter 69, section 11, is repealed and the following substituted therefor:

Board of Management (6) A Board of Management established under subsection 1 is a body corporate and shall consist of such number of members appointed by council as the council considers advisable, at least one of whom shall be a member of the council and the remaining members shall be individuals assessed for business assessment in respect of land in the area or nominees of such individuals or of corporations so assessed.

s. 361 (12), re-enacted (4) Subsection 12 of the said section 361 is repealed and the following substituted therefor:

Borrowing prohibited, restrictions on incurring indebtedness (12) The Board of Management shall not borrow money and, without the prior approval of the council, it may not incur any indebtedness extending beyond the current year.

Assent of electors, etc. R.S.O. 1970, c. 323

(12a) Section 293 of this Act and sections 64 and 65 of *The Ontario Municipal Board Act* apply to the giving of an approval of indebtedness by a council under subsection 12 as though the giving of the approval were the incurring of the indebtedness by the municipality.

s. 361 (16), re-enacted

(5) Subsection 16 of the said section 361 is repealed and the following substituted therefor:

Special charge

(16) Subject to such maximum and minimum charges as the council may specify by by-law, the council shall in each year levy a special charge upon persons in the area assessed for business assessment sufficient to provide a sum equal to the sum of money provided for the purposes of the Board of Management for that area, together with interest thereon at such rate as is required to repay any interest payable by the municipality on the whole or any part of such sum, which shall be borne and paid by such persons in

the proportion that the assessed value of the real property that is used as the basis for computing the business assessment of each of such persons bears to the assessed value of all the real property in the area used as the basis for computing business assessment.

(16a) Notwithstanding subsection 16, the council may by by- Special charge law provide that the sum required for the purposes mentioned where special benefit therein shall be levied as a special charge upon and shall be borne derived and paid by persons in the area assessed for business assessment who in the opinion of the council derive special benefit from the establishment of the area, and the sum chargeable to such persons shall be equitably apportioned among them in accordance with the benefits that, in the opinion of the council, accrue to them from the establishment of the area.

- (16b) Before the council passes a by-law specifying maximum Notice and minimum charges under subsection 16 or a by-law under subsection 16a, notice of the proposed by-law shall be,
  - (a) published at least once a week for four successive weeks. and the by-law shall not be passed until after the expiry or fourteen days following the day on which the notice was last published; or
  - (b) given in the same manner as a notice of a proposed by-law under subsection 2, and the by-law shall not be passed until the expiry of thirty days next following the latest day of the mailing of any such notices.
- (16c) Any person who would be liable to a special charge levied Objections in accordance with a by-law proposed to be passed by the council of a municipality under subsection 16 specifying maximum or minimum charges or under subsection 16a may object to the proposed by-law by filing written notice of the objection with the clerk of the municipality before the expiry of the period mentioned in clause a or b of subsection 16b, as the case may be.

- (16d) Where an objection to a proposed by-law is made under Approval subsection 16c, the proposed by-law shall not come into force O.M.B. without the approval of the Municipal Board.
- (16e) Subsections 16b, 16c and 16d do not apply to a by-law Application passed under subsection 16 or 16a to comply with an order of the Municipal Board under subsection 18.
- (16f) Notice of a proposed by-law required under subsection Separate 16b may be given in the same notice as notice of a proposed by-law not under subsection 2.

Proviso

(16g) Notwithstanding anything in subsection 16 or 16a, where moneys borrowed by the municipality are provided in any year by the council for the purposes of the Board of Management and where only a portion of such moneys are required to be repaid by the municipality to the lender in that year or in any subsequent year, only the portion of the moneys required to be repaid to the lender in any such year together with any interest repayable in that year in respect of the total of such moneys shall be included in the sum to be provided in that year by the levy under subsection 16 or 16a.

s. 361 (17), amended (6) Subsection 17 of the said section 361 is amended by inserting after "16" in the first line "or 16a".

s. 361, (17b, 17c), re-enacted (7) Subsections 17b and 17c of the said section 361, as enacted by the Statutes of Ontario, 1978, chapter 32, section 18, are repealed and the following substituted therefor:

Application of subss. 2-4

(17b) Subsections 2, 3, 3a and 4 apply with necessary modifications to the passing of a by-law under subsection 17a.

When by-law comes into effect (17c) A by-law passed under subsection 17a shall not come into force until the 1st day of January next after its passing, or, where the approval of the Municipal Board is required before such by-law may come into force, until the day specified by the Municipal Board.

s. 361 (18, 19), re-enacted (8) Subsections 18 and 19 of the said section 361 are repealed and the following substituted therefor:

Approval of O.M.B.

(18) Where the approval of the Municipal Board of a by-law passed under this section is required, the Municipal Board as a condition of giving its approval may by its order impose such restrictions, limitations and conditions with respect to such matter as may be necessary or expedient.

Repeal of by-law (19) A by-law designating an improvement area may be repealed to take effect upon the 31st day of December in the year in which it is passed.

Non-application of subss. (2-3a)

- (19a) Notwithstanding anything in this section, subsections 2, 3 and 3a do not apply to,
  - (a) a by-law passed under subsection 1 or 17a to comply with an order of the Municipal Board under subsection 18; or
  - (b) a by-law passed under subsection 19.

4. Notwithstanding section 3, where a notice of intention to pass a Transition by-law under subsection 1 or 17a of section 361 of The Municipal R.S.O. 1970. Act has been sent under subsection 2 of that Act prior to the coming into force of this section, the passing of the by-law shall be subject to section 361 as it read immediately prior to the coming into force of this section

- 5. Section 390a of the said Act, as enacted by the Statutes of Ontario, s. 390a, 1978, chapter 101, section 11, is amended by adding thereto the following subsections:
  - (3) A by-law passed under this section may provide that it Former applies to a person who was a member of council or a local board, of council as the case may be, at the time the cause of action or other proceeding arose but who prior to judgment or other settlement of the action or proceeding has ceased to be a member of the council or local board.
  - (4) This section does not apply to an act or omission that Application occurred prior to the 15th day of December, 1978.
- 6. This Act comes into force on the day it receives Royal Assent. Commence-
- 7. The short title of this Act is The Municipal Amendment Act, 1980. Short title

An Act to amend The Municipal Act

1st Reading April 18th, 1980

2nd Reading May 27th, 1980

3rd Reading
June 19th, 1980

THE HON. T. L. WELLS Minister of Intergovernmental Affairs

CAZIN XB

Government Bill

4TH SESSION, 31ST LEGISLATURE, ONTARIO 29 ELIZABETH II, 1980

An Act for the establishment and conduct of a Project in The Municipality of Metropolitan Toronto to improve methods of processing Complaints by members of the Public against Police Officers on the Metropolitan Police Force

THE HON. R. McMurtry Solicitor General

### EXPLANATORY NOTE

The Bill establishes a project in The Municipality of Metropolitan Toronto to improve the processing of complaints by the public concerning the conduct of police officers.

Provision is made for the appointment of a Public Complaints Commissioner who shall monitor and review the handling of complaints by the Metropolitan Toronto Police Force and shall exercise the powers and perform other duties set out.

The Bill establishes the Police Complaints Board and provides for its membership and the conduct of hearings by it.

Procedures are established for the making of complaints and the recording, investigation, resolution and disposition thereof.

The project expires three years after the Act comes into force or on such day thereafter as is named by proclamation of the Lieutenant Governor.

BILL 47 1980

An Act for the establishment and conduct of a Project in The Municipality of Metropolitan Toronto to improve methods of processing Complaints by members of the Public against Police Officers on the Metropolitan Police Force

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

## 1. In this Act,

Interpretation

- (a) "Board" means the Police Complaints Board;
- (b) "Bureau" means the Public Complaints Investigation Bureau;
- (c) "chief of police" means the chief of police of the Metropolitan Police Force;
- (d) "complaint" means a complaint by a member of the public, made orally or in writing, respecting the conduct of a police officer;
- (e) "police officer" means a police officer on the Metropolitan Police Force;
- (f) "prescribed" means prescribed by the regulations;
- (g) "regulations" means the regulations made under this Act.
- **2.** This Act applies only to complaints made by members of the Application public respecting the conduct of police officers on the Metropolitan Police Force and hearings under this Act and disciplinary proceedings under *The Police Act* and the regulations thereunder R.S.O. 1970. arising out of such complaints.

Appointment of Public Complaints Commissioner **3.**—(1) The Lieutenant Governor in Council shall appoint a Public Complaints Commissioner to exercise the powers and perform the duties assigned to him by this Act and the regulations.

Officers, etc.

R.S.O. 1970,

(2) Such officers and employees as are considered necessary from time to time for the purposes of the Public Complaints Commissioner may be appointed under *The Public Service Act*.

c. 386 Annual report

(3) The Public Complaints Commissioner shall report annually upon the affairs of his office to the Solicitor General who shall submit the report to the Lieutenant Governor in Council and shall then lay the report before the Assembly if it is in session or, if not, at the next ensuing session.

Audit

(4) The accounts of the Public Complaints Commissioner shall be audited annually by the Provincial Auditor.

Board established

**4.**—(1) A board to be known as the Police Complaints Board is hereby established.

Chairman

(2) The Public Complaints Commissioner shall be the chairman of the Board.

Composition and appointment

(3) The Board shall be composed of the chairman and as many other members as the Lieutenant Governor in Council considers proper and such members shall be appointed by the Lieutenant Governor in Council.

Qualifications (4) One-third of the members of the Board shall be persons who have had training in law.

Recommendation for appointment (5) The Metropolitan Board of Commissioners of Police and the Metropolitan Toronto Police Association shall jointly recommend to the Solicitor General for appointment to the Board such number of persons, other than police officers, as will constitute one-third of the membership of the Board.

Idem

(6) The council of The Municipality of Metropolitan Toronto shall recommend to the Solicitor General for appointment to the Board such number of persons as will constitute one-third of the membership of the Board.

Idem

(7) Recommendations under subsections 5 and 6 shall be made to the Solicitor General within such time as he may specify.

Remuneration (8) The members of the Board shall receive such salaries or remuneration and expenses as may be fixed by the Lieutenant Governor in Council.

(9) The chairman shall have general supervision and direction Duties of over the conduct of the affairs of the Board and shall arrange the sittings of the Board and assign members to conduct hearings as circumstances require.

(10) The Board shall prepare and publish periodically a sum-Summaries mary of its decisions and the reasons therefor and shall report report annually on its affairs to the Solicitor General who shall submit the report to the Lieutenant Governor in Council and shall then lay the report before the Assembly if it is in session or, if not, at the next ensuing session.

- (11) The accounts of the Board shall be audited annually by the Audit Provincial Auditor.
- (12) Such officers and employees as are considered necessary Officers, from time to time for the purposes of the Board may be appointed under The Public Service Act.

R.S.O. 1970,

5.—(1) The chief of police shall establish and maintain for the Bureau to be purposes of this Act a branch of the Metropolitan Police Force to be known as the Public Complaints Investigation Bureau.

- (2) The chief of police shall ensure that the Bureau is supplied Staff with sufficient staff to effectively receive, record and investigate complaints.
- 6.—(1) A member of the public may make a complaint at the Where com-Bureau, at any police station in Metropolitan Toronto or at the be made office of the Public Complaints Commissioner.
- (2) The person who receives a complaint shall record the com- Information plaint in the prescribed form and shall furnish the person making the complaint with a prescribed statement that sets out the procedures that will be followed respecting the complaint and the rights under this Act of the person making the complaint.

(3) Where a complaint is recorded at a police station, the person Copy of recording the complaint shall forward forthwith to the Bureau and to the Public Complaints Commissioner a copy of the complaint.

- (4) Where a complaint is recorded at the Bureau, the person Idem recording the complaint shall forward forthwith to the Public Complaints Commissioner a copy of the complaint.
- (5) Where a complaint is recorded at the office of the Public Idem Complaints Commissioner, the person recording the complaint shall forward forthwith to the Bureau a copy of the complaint.
- 7. Upon receipt of a complaint, the person in charge of the Police officer Bureau shall inform forthwith the police officer concerned of the

substance of the complaint, unless, in the opinion of such person, to do so might adversely affect any investigation of the complaint.

Informal resolution

**8.**—(1) The person in charge of the Bureau shall consider whether a complaint can be resolved informally and, with the consent of the person making the complaint and the police officer concerned, may attempt to so resolve the complaint.

Record of informal resolution (2) Where a complaint is resolved informally, a record shall be made of the manner in which the complaint was resolved and the person making the complaint and the police officer concerned shall each signify in writing his agreement to such resolution.

Copy of record to be furnished

(3) A copy of a record made under subsection 2 shall be furnished forthwith to the Public Complaints Commissioner, the person making the complaint and the police officer concerned.

No reference in personal record of police officer (4) No reference shall be made in the personal record of a police officer to a complaint resolved under this section, except where misconduct has been admitted by the police officer.

Investigation

**9.**—(1) Where a complaint is not resolved informally, the person in charge of the Bureau shall cause an investigation to be made forthwith into the complaint in accordance with prescribed procedures.

Interim reports (2) The person in charge of the Bureau shall forward to the Public Complaints Commissioner, the person who made the complaint and the police officer concerned an interim report in the prescribed form providing a summary of the investigation to date not later than thirty days after receipt of the complaint and shall forward further interim reports to the same persons on a monthly basis during the course of the investigation.

Exception

(3) Notwithstanding subsection 2, the person in charge of the Bureau may decide not to make a report to the person who made the complaint and the police officer concerned where, in his opinion, to do so might adversely affect the investigation of the complaint or where there are no new matters to report, in which case the person in charge of the Bureau shall notify the Public Complaints Commissioner of the reasons for his decision.

Final report

(4) Where an investigation has been completed, the person in charge of the Bureau shall cause a final investigation report to be prepared and shall forward a copy thereof to the Public Complaints Commissioner, the chief of police, the person who made the complaint and the police officer concerned.

Idem

(5) A final investigation report prepared under subsection 4 shall,

- (a) contain a summary of the complaint and a description of the alleged misconduct by the police officer;
- (b) contain a summary of the investigation and of information obtained from the person who made the complaint, the police officer concerned and witnesses, if any; and
- (c) contain a description and analysis of any physical evidence obtained.
- 10.—(1) The chief of police shall review a final investigation Powers and report and he may order such further investigation as he considers of police advisable and may,
  - (a) cause an information alleging the commission of an offence by the police officer concerned to be laid and refer the matter to the Crown attorney for prosecution;
  - (b) refer the matter to the Board for a hearing by the Board;
  - (c) cause disciplinary proceedings to be taken under The R.S.O. 1970. *Police Act* and the regulations thereunder; and
  - (d) after giving the police officer concerned an opportunity to reply to the complaint, either orally or in writing, counsel or caution the police officer regarding his conduct,

or he may decide to take no action.

(2) Where the chief of police causes an information to be laid Hearing under clause a of subsection 1, such action shall not stay any hearing by the chief of police or by the Board unless the chief of police or the Board, as the case may be, is of the opinion that the hearing should be stayed until the court proceedings have been concluded.

(3) The chief of police shall give forthwith written notice of any Notice of action taken by him under subsection 1 or of his decision to take no action to the Public Complaints Commissioner, the person who made the complaint and the police officer concerned and, where his decision is to take no action, shall give his reasons therefor.

(4) The chief of police may designate any police officer to Designation exercise any of his powers and perform any of his duties under this of police Act and the police officer so designated has the powers and duties set out in the designation and where any power is conditional on the opinion of the chief of police, the requisite opinion shall be that of the designated officer.

11.—(1) Where the chief of police has caused disciplinary Application proceedings to be taken under The Police Act and the regulations R.S.O. 1970,

thereunder, subsections 4, 6, 10, 11 and 12 of section 19 of this Act apply with necessary modifications to a hearing held in connection with such proceedings.

Notice of decision (2) The chief of police or, if he is not the person who holds a hearing referred to in subsection 1, the person who holds the hearing shall give forthwith written notice of his decision to the Public Complaints Commissioner, the person who made the complaint and the police officer concerned.

Police officer may appeal

R.S.O. 1970, c. 351 **12.** Where a hearing referred to in subsection 1 of section 11 has been held and a penalty has been imposed upon a police officer, the police officer may appeal to the Board under section 13 of this Act and not as provided in *The Police Act* and the regulations thereunder.

Notice of

13.—(1) A notice of appeal shall be served on the Board within fifteen days after the police officer receives notice of the penalty imposed.

Extension of time

(2) Notwithstanding subsection 1, where the chairman of the Board is satisfied that there are *prima facie* grounds for granting relief and that there are reasonable grounds for granting an extension, he may extend the time for giving the notice either before or after the expiration of the fifteen day period referred to in subsection 1 and may give such directions as he considers proper consequent upon such extension.

Powers and duties of Public Complaints Commissioner

- 14.—(1) The Public Complaints Commissioner,
  - (a) shall maintain copies of all records, reports and other material received by him under this Act;
  - (b) shall monitor the handling of complaints by the Bureau and the chief of police;
  - (c) may review the record of the informal resolution of a complaint and may request that the person in charge of the Bureau cause an investigation to be made into the complaint;
  - (d) may, upon receipt of a copy of the final investigation report from the person in charge of the Bureau, request that the chief of police cause further investigation to be made into the complaint;
  - (e) shall receive a request for a review under section 15; and
  - (f) shall evaluate the effectiveness of the system for handling complaints.

Results to be forwarded (2) Where the person in charge of the Bureau or the chief of police causes an investigation to be made under clause c or d, as

the case may be, of subsection 1, he shall forward the results of his investigation to the Public Complaints Commissioner.

(3) Notwithstanding any other provision of this Act, the Public Public Complaints Commissioner, at any time after he receives the first Commissioner interim report under subsection 2 of section 9 or the thirty-day may inquire period mentioned therein has expired, may inquire into and investigate investigate the allegations in the complaint.

(4) Where the Public Complaints Commissioner proposes to Notice conduct an inquiry and investigation under subsection 3, he shall of police notify the chief of police and shall, after his inquiry and investigation, forward the results thereof to the chief of police.

**15.**—(1) Where a person who has made a complaint is dis-Request satisfied with the decision made on a disciplinary proceeding arising out of his complaint that is not a decision of the Board or with action taken by the chief of police under clause d of subsection 1 of section 10 or with a decision of the chief of police to take no action, he may request the Public Complaints Commissioner to review the matter.

(2) Where the Public Complaints Commissioner receives a Hearing may request under subsection 1, he shall review the matter and may, after such review, order a hearing by the Board if he believes that, in the public interest, such a hearing is required or may decide to take no further action

- (3) The Public Complaints Commissioner shall give forthwith Notice written notice to the chief of police, the person who made the complaint and the police officer concerned of his decision under subsection 2 and, where his decision is to take no further action, shall give his reasons therefor.
- (4) The Public Complaints Commissioner shall not order a Where hearhearing under subsection 2 where a police officer has appealed to be ordered the Board under section 13.

**16.**—(1) For the purposes of a review under section 15, the Powers on Public Complaints Commissioner may inquire into and investi-investigation gate the allegations in the complaint and, for such purposes, he may, after informing the chief of police, enter a police station and examine therein books, papers, documents and things related to the complaint.

- (2) For the purposes of an inquiry, the Public Complaints Powers on Commissioner has the powers of a commission under Part II of inquiry The Public Inquiries Act, 1971, which Part applies to such inquiry as if it were an inquiry under that Act.
- (3) The Public Complaints Commissioner may, in writing, Appointment of person appoint a person to make any inquiry and any investigation he is to make authorized to make and the person so appointed has all the powers inquiry and investigation

and duties of the Public Complaints Commissioner relating to the inquiry and the investigation.

Report

(4) The person appointed to make an inquiry or investigation shall report the results of his inquiry or investigation to the Public Complaints Commissioner.

Obstruction

(5) No person shall obstruct the Public Complaints Commissioner or a person appointed by him to make an investigation or withhold from him or conceal or destroy any books, papers, documents or things related to the investigation.

Search warrant (6) Where a justice of the peace is satisfied upon an *ex parte* application by the Public Complaints Commissioner that there is reasonable ground for believing there are in any building, dwelling, receptacle or place any books, papers, documents or things relating to an investigation, the justice of the peace may issue an order authorizing the Public Complaints Commissioner, together with such persons as he calls upon to assist him, to enter and search, if necessary by force, such building, dwelling, receptacle or place for such books, papers, documents or things and to examine them, but every such entry and search shall be made between 6 a.m. and 9 p.m., standard time, unless the justice of the peace, by the order, otherwise authorizes.

Removal of books, etc.

(7) The Public Complaints Commissioner may, upon giving a receipt therefor, remove any books, papers, documents or things examined under subsection 1 or 6 relating to the investigation and shall with reasonable dispatch make copies of such books, papers or documents and return them promptly thereafter to the person from whom they were removed.

Admissibility of copies

(8) Any copy made as provided in subsection 7 and certified to be a true copy by the Public Complaints Commissioner is admissible in evidence in any action, proceeding or prosecution as *prima facie* proof of the original book, paper or document and its contents.

Appointment of experts

(9) The Public Complaints Commissioner may appoint an expert to examine books, papers, documents or things examined under subsection 1 or 6.

Application

(10) This section applies with necessary modifications to an inquiry and investigation by the Public Complaints Commissioner under subsection 3 of section 14.

Report

17. Where, after making a review, the Public Complaints Commissioner is of the opinion that a police practice or procedure should be altered, he shall report his opinion and recommendations to the Solicitor General, the Ontario Police Commission, the Metropolitan Board of Commissioners of Police and the chief of police.

- (a) the chief of police has referred a matter to the Board under clause b of subsection 1 of section 10;
- (b) a police officer has appealed to the Board under section 13; or
- (c) the Public Complaints Commissioner has, under subsection 2 of section 15, ordered a hearing,

the Board shall hold a hearing and the Public Complaints Commissioner shall assign in accordance with this section a member or members of the Board to conduct the hearing.

- (2) Where, in the opinion of the Public Complaints Commis-Idem sioner, the complaint alleges misconduct by the police officer that is of a minor nature, he shall assign a member of the Board who has had training in law to sit alone to conduct the hearing.
- (3) Where, in the opinion of the Public Complaints Commis- Idem sioner, the complaint alleges misconduct by a police officer that is of a serious nature, he shall assign three members of the Board who shall constitute a panel to conduct the hearing.
- (4) The chairman of the panel constituted under subsection 3 Who shall shall be a member of the Board who has had training in law and, panel where possible, one member of the panel shall be a person appointed to the Board on the joint recommendation of the Metropolitan Board of Commissioners of Police and the Metropolitan Toronto Police Association and one member shall be a person appointed to the Board on the recommendation of the council of The Municipality of Metropolitan Toronto.
- (5) Where the chief of police has referred a matter to the Board Eligibility or a police officer has appealed to the Board, the Public Complaints Commissioner is eligible to sit alone to conduct the hearing under subsection 2 and to be chairman of a panel constituted under subsection 3.
- (6) Where the Public Complaints Commissioner has ordered a <sup>Idem</sup> hearing by the Board, he is not eligible to sit alone to conduct the hearing under subsection 2 or to be a member of a panel constituted under subsection 3.
- (7) Where a police officer has appealed to the Board and the Public Complaints Public Complaints Commissioner is of the opinion that the com-Commissioner plaint alleges misconduct that is of a minor nature, he shall so required to sit advise the police officer who may by written notice given within

seven days require that the Public Complaints Commissioner be the member who sits alone to conduct the hearing.

Decisions

(8) A decision of a member of the Board sitting alone and a decision of a majority of a panel is a decision of the Board and, for all purposes of a hearing, the member sitting alone or the panel, as the case may be, shall be deemed to be the Board.

Hearing

**19.**—(1) The Board shall appoint a time for a hearing and shall conduct a hearing *de novo*.

Notice of hearing (2) The Board shall give to the chief of police, the person who made the complaint and the police officer concerned written notice of the hearing and of the time appointed therefor.

Opportunity to be heard (3) The person who made the complaint may attend at the hearing and be represented by counsel or an agent and shall be given an opportunity to be heard.

Opportunity to examine evidence (4) The police officer concerned shall be afforded an opportunity to examine before the hearing any written or documentary evidence that will be produced or any report the contents of which will be given in evidence at the hearing.

Member holding hearing not to communicate with party (5) The member or members of the Board conducting a hearing shall not communicate directly or indirectly in relation to the subject-matter of the hearing with any person or with any party or his representative except upon notice to and opportunity for all parties to participate, but the Board may seek legal advice from an adviser independent from the parties and in such case the nature of the advice should be made known to the parties in order that they may make submissions as to the law.

Oral evidence (6) The oral evidence given at the hearing shall be recorded and, if so required, copies or a transcript thereof shall be furnished upon the same terms as in the Supreme Court.

Counsel

(7) The Board may appoint counsel to assist the Board at the hearing.

Only members at hearing to participate in decision (8) No member of the Board shall participate in a decision following the hearing unless he was present throughout the hearing and heard the evidence and argument of the parties and, except with the consent of the parties, no decision shall be given unless all members so present participate in the decision.

Release of documents

(9) Documents and things put in evidence at the hearing shall, upon the request of the person who produced them, be released to him within a reasonable time after the matter in issue has been finally determined.

(10) Notwithstanding section 12 of The Statutory Powers Pro-Police cedure Act, 1971, the police officer concerned shall not be required to to give evidence at the hearing nor shall any statement or answer give required to be given by him in respect of the complaint made 1971, c. 47 against him be admitted in evidence at the hearing, except with his consent.

(11) Where the person in charge of the Bureau attempts to Statement resolve a complaint informally and the complaint is not so resol- admission ved, any statement or admission made during such attempt by the not admission made during such attempt by the police officer concerned or by the person who made the complaint in evidence shall not be admitted in evidence at the hearing, except with the consent of the police officer or the person who made the complaint, as the case may be.

- (12) No finding of misconduct by the police officer shall be Proof of made unless the misconduct is proved beyond a reasonable doubt.
- (13) Where a member of the Board sitting alone finds the police Imposition of penalty officer guilty of misconduct, he may,
  - (a) direct that days off not exceeding five days be forfeited;
  - (b) direct that pay not exceeding three days pay be forfeited;
  - (c) reprimand the police officer.
- (14) Where a panel of the Board finds the police officer guilty of Idem misconduct, it may,
  - (a) dismiss the police officer from the Metropolitan Police
  - (b) direct that the police officer resign from the Metropolitan Police Force and, in default of resigning within seven days, be summarily dismissed;
  - (c) reduce the police officer in rank or gradation of rank and in pay in accordance with the rank to which he is reduced;
  - (d) direct that days off not exceeding twenty days be forfeited:
  - (e) direct that pay not exceeding five days pay be forfeited; or
  - (f) reprimand the police officer, which reprimand may be in lieu of or in addition to any other penalty imposed.

Notice of decision

(15) The Board shall give forthwith written notice of its decision and the reasons therefor to the chief of police, the person who made the complaint and the police officer concerned.

No reference to hearing (16) No reference to a hearing conducted by the Board shall be made in the personal record of the police officer concerned unless the Board has made a finding of misconduct by the police officer.

Costs may be paid (17) The Metropolitan Board of Commissioners of Police may, in such cases and to such extent as it thinks fit, pay any legal costs incurred by a police officer in respect of a hearing conducted by the Board and an appeal under section 20.

Appeal

**20.**—(1) A party to a hearing by the Board may appeal from the decision of the Board to the Divisional Court in accordance with the rules of court.

Solicitor General entitled to be heard (2) The Solicitor General is entitled to be heard, by counsel or otherwise, upon the argument of an appeal under this section.

Appeal on questions of law only (3) An appeal under this section may be made on questions of law only.

How notice, etc., may be served **21.** Any notice, report or other material required to be given, furnished, forwarded or otherwise served under this Act is sufficiently served if delivered personally or sent by prepaid first class mail addressed to the person on whom service is required to be made at his last known or usual place of abode.

Matters confidential **22.**—(1) Every person engaged in the administration of this Act and the regulations, including a member of the Metropolitan Police Force, shall preserve secrecy in respect of all matters that come to his knowledge in the course of his duties and shall not communicate any such matter to any other person except,

R.S.O. 1970, c. 351

- (a) as may be required in connection with the administration of this Act and the regulations or *The Police Act* and the regulations thereunder;
- (b) as may be required for the due enforcement of the law;
- (c) to his counsel; or
- (d) with the consent of the person to whom the matter relates.

Testimony

(2) No person to whom subsection 1 applies shall be required to give testimony in any civil suit or proceeding with regard to information obtained by him in the course of his duties, except at a

hearing under this Act or in a disciplinary proceeding under The R.S.O. 1970, Police Act and the regulations thereunder.

(3) No record, report, writing or document arising out of a What is inadmissible complaint is admissible or may be used in evidence in any civil suit in evidence or proceeding, except at a hearing under this Act or in a disciplinary proceeding under The Police Act and the regulations thereunder.

- 23. The Ombudsman Act, 1975 does not apply to the Public does not Complaints Commissioner or the Board.
- **24.**—(1) The moneys required for the purposes of the Public Moneys Complaints Commissioner and the Board shall, until the 31st day of March, 1981 be paid out of the Consolidated Revenue Fund and thereafter shall be paid out of the moneys appropriated therefor by the Legislature.
- (2) The Solicitor General, with the approval of the Lieutenant Idem Governor in Council, and The Municipality of Metropolitan Toronto may enter into an agreement to provide for the payment by the municipality to the Treasurer of Ontario on such terms and conditions as may be agreed upon of contributions in respect of the moneys required for the purposes of the Public Complaints Commissioner and the Board.
- 25. Any person who contravenes subsection 5 of section 16 or Offence subsection 1 of section 22 is guilty of an offence and on conviction is liable to a fine of not more than \$2,000.
- 26. The Lieutenant Governor in Council may make regula-Regulations tions,
  - (a) prescribing what shall be taken into account in determining whether misconduct is of a minor or serious nature:
  - (b) defining conduct that may be the subject of a complaint;
  - (c) respecting the reporting and publication of decisions of the Board;
  - (d) assigning duties to the Public Complaints Commissioner;
  - (e) prescribing criteria to be used by the Public Complaints Commissioner in evaluating the effectiveness of the system for handling complaints;
  - (f) prescribing forms and providing for their use; and

(g) prescribing any matter that by this Act is required to be or is referred to as prescribed.

Repeal

**27.** This Act is repealed on a day that is three years after it comes into force or on such day thereafter as is named by proclamation of the Lieutenant Governor.

Commence-

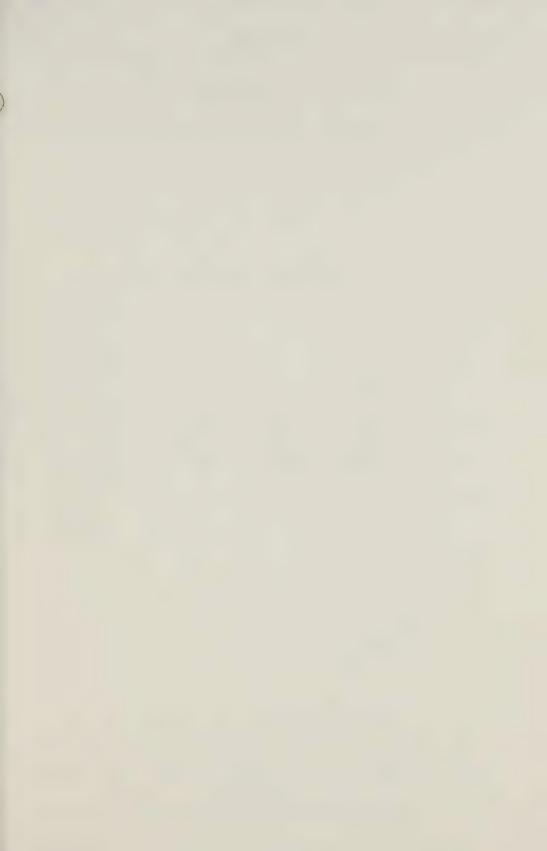
**28.** This Act comes into force on a day to be named by proclamation of the Lieutenant Governor.

Short title

29. The short title of this Act is The Metropolitan Police Force Complaints Project Act, 1980.







An Act for the establishment and conduct of a Project in The Municipality of Metropolitan Toronto to improve methods of processing Complaints by members of the Public against Police Officers on the Metropolitan Police Force

1st Reading April 22nd, 1980

2nd Reading

3rd Reading

THE HON. R. MCMURTRY Solicitor General

(Government Bill)

4TH SESSION, 31ST LEGISLATURE, ONTARIO 29 ELIZABETH II, 1980

An Act to provide Property Tax Assistance for Pensioners in Ontario

> THE HON. F. S. MILLER Treasurer of Ontario and Minister of Economics



### EXPLANATORY NOTE

The purpose of the Bill is to help to offset the burden of property and sales taxes on pensioners within Ontario and to implement the property tax relief proposal set out by the Treasurer of Ontario in his Budget Statement. Among the principal features of this Bill are the following:

- Commencing in 1980, Ontario will provide direct grants to eligible persons of up to \$500 to offset property taxes of pensioners who own or rent their principal residences. (Section 2.)
- 2. An eligible person is one who is eligible to receive an Old Age Security pension and who incurs occupancy costs. Grants are payable each year to persons who are entitled to receive an Old Age Security pension in that year or who will be so eligible in January of the following year. The Bill ensures that any person who turns 65 and is eligible during a year is entitled to the amount of the full grant for that year. (Sections 1 and 5 (1).)
- 3. The amount of the grant will be equal to occupancy costs of \$500, whichever is less. The Bill defines occupancy cost as property taxes paid or 20 per cent of rent paid, whichever is applicable. (Sections 1 and 2.)
- 4. For married couples, only one grant will be paid per couple. Only one spouse need receive the Old Age Security pension for the couple to be eligible for a grant under this Bill. Where individuals share accommodation, and are eligible for a grant under this Bill, only one grant will be paid. (Section 3.) However, where an individual and his spouse are separated and have entered into a separation agreement, a grant may be made to each spouse who is eligible to receive an Old Age Security pension. (Section 3 (2).)
- 5. In lieu of the Sales Tax Credit currently available under *The Income Tax Act*, the Minister may make a grant of \$50 in each year to each person who is eligible to receive an Old Age Security pension. (Section 7.) It will not be necessary for eligible persons to make an application for this grant. It will be sent out automatically at the end of each year. Pensioners will no longer have to complete an income tax return solely for the purpose of obtaining a Property, Pensioner or Sales Tax Credit. Only a tax credit for a payment that is a contribution under *The Election Finances Reform Act*, 1975 need now be claimed under *The Income Tax Act*. (Section 5 (2).)
- 6. Ancillary amendments are proposed to *The Income Tax Act* to ensure that no person who is eligible for or receives a grant under this Act may claim a tax credit under *The Income Tax Act*.
- 7. Pensioners who reside in any charitable institution, home for special care, home for the aged, private nursing home, public nursing home or chronic care facility will not be eligible to receive a grant under this Act in respect of occupancy costs. They will be eligible for a grant of \$50 under section 7.
- 8. The Bill contemplates that in 1981 and subsequent years, pensioners who were eligible in the previous year will automatically receive up to one-half of the previous year's entitlement in the earlier part of the year following without making application. In the later part of the year, application forms will be sent out for completion by eligible pensioners to entitle them to receive the balance of their grant. (Section 2 (3).)

- 9. The Act will be administered by the Minister of Revenue. The applications for grants under section 2 and grants paid under section 7 will be sent out automatically by the Minister to all persons in receipt of Old Age Security pensions.
- 10. Where occupancy costs are shared by two or more eligible persons, an application for a grant shall be made jointly. The application may request the whole amount of the grant be paid to one eligible person or may request that the grant be apportioned amongst the eligible persons. Where a grant is apportioned, the apportionment must be based on the occupancy costs attributable to each eligible person.
- 11. Where an eligible person ceases to have a principal residence, or an individual becomes ineligible or dies, the Minister may make a grant to the applicant, his trustee, executor or administrator, or person entitled by law to apply for letters probate or letters of administration respecting the estate of the deceased. (Section 8.)
- 12. No grant paid under the Act may be assigned, charged or attached and any transaction purporting to assign, charge or attach it is void. (Section 13.)
- 13. The Minister is authorized to enter into arrangements with the Minister of National Health and Welfare of the Government of Canada to obtain, exchange and keep confidential any information furnished under the Act or under the Old Age Security Act (Canada). In order to minimize duplication and to avoid inconsistencies, the Minister is entitled to reply on any decision made by the Minister of National Health and Welfare respecting eligibility for an Old Age Security pension. (Section 12.)
- 14. The Bill contains provision for any individual who does not receive a grant or who receives a grant in an amount less than he feels he is entitled to, to object to the Minister who shall thereupon reconsider his decision. The decision of the Minister on questions of fact is final. Where the Minister's decision involves the interpretation of a provision of the Act or an issue of law, an appeal may be taken to the Supreme Court. (Sections 9 and 10.)
- 15. The Bill contains administrative provisions respecting confidentiality of information obtained by the Minister, right of audit and inspection and authority to collect grants where they were improperly obtained. (Sections 11, 14 and 16.)
- 16. When passed, this legislation will come into force on July 1st, 1980. The same coming into force date will apply to tax credit amendments under *The Income Tax Act*. Eligible individuals will be entitled to receive a grant for the full year notwithstanding that the Act comes into force on July 1st.

BILL 48 1980

# An Act to provide Property Tax Assistance for Pensioners in Ontario

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

### 1. In this Act,

Interpre-

- (a) "applicant" means an individual who has applied for a grant under this Act;
- (b) "application" means an application for a grant under this Act;
- (c) "eligible person" means an individual who is ordinarily resident in Ontario and who is eligible to receive a pension under Part I of the *Old Age Security Act* (Canada) R.S.C. 1970. and who incurs, or whose spouse incurs, occupancy costs;
- (d) "family unit" means,
  - (i) an individual and his spouse, or
  - (ii) any individuals occupying the same principal residence, whether or not they are related to each other;
- (e) "housing unit" includes any premises that an individual ordinarily occupies and inhabits as his residence during the year, but does not include premises that are part of a chronic care facility or other similar institution that is prescribed or that are part of any charitable institution, home for special care, home for the aged, public nursing home or private nursing home;

- (f) "Minister" means the Minister of Revenue or such other member of the Executive Council to whom the administration of this Act is assigned;
- (g) "municipal tax" means,
  - (i) taxes for municipal and school purposes levied in respect of real property in Ontario that is assessed as residential or farm property,
  - (ii) taxes levied for local improvements to real property in Ontario,
  - (iii) taxes levied under *The Provincial Land Tax Act* or *The Local Roads Boards Act*, and
  - (iv) such other taxes or special rates as are prescribed,

but "municipal tax" does not include any tax or rate that was payable prior to the 1st day of January, 1980;

- (h) "occupancy cost" means,
  - (i) municipal tax paid or payable in the year to which the application relates in respect of a principal residence of the applicant or his spouse to the extent that such principal residence is beneficially owned by them or either of them or is held in trust for the use and occupation of them or either of them and their dependants as a principal residence, or
  - (ii) 20 per cent of,
    - A. municipal tax paid in the year to which the application relates in respect of a principal residence that is not beneficially owned by the applicant and his spouse or either of them or is not held in trust for them or either of them and their dependants, but only to the extent that such municipal tax is included by the owner of such principal residence in computing his taxable income under the *Income Tax Act* (Canada) for the taxation year, and
    - B. rent paid in the year to which the application relates for occupation of a principal residence of the applicant where such rent is paid by or on behalf of the appli-

R.S.C. 1952, c. 148

R.S.O. 1970, cc. 370, 256

cant or his spouse and is calculated to exclude all payments on account of meals or board and all payments of rent for occupation prior to the 1st day of January, 1980;

- (i) "prescribed" means prescribed by the regulations;
- (j) "principal residence" means a housing unit in Ontario that was in the year to which the application relates occupied by the applicant as his principal residence, and that is designated by the applicant in the prescribed manner as a principal residence of his in the year to which the application relates;
- (k) "regulations" means the regulations made under this Act:
- (l) "separation agreement" means an agreement under which an individual and his spouse live separate and apart and maintain separate principal residences.
- 2.—(1) Subject to section 6, an individual may make an appli- Application cation for a grant in the form prescribed by the Minister in respect payment of of a year in which he was an eligible person and the Minister may, grant subject to the provisions of this Act, pay a grant to that individual.

- (2) A grant under subsection 1 shall not exceed the lesser of, Limits
  - (a) \$500; or
  - (b) the occupancy costs of the applicant or his spouse incurred in the year to which the application relates.
- (3) In 1981 and subsequent years, the Minister may pay a grant Instalment under this section in two or more instalments and may, without receipt of an application, pay to an eligible person that portion of a grant which does not exceed one half of such eligible person's entitlement in the prior year under this section, but the balance of such grant shall be paid only upon receipt of an application.

- 3.—(1) Subject to subsection 2, the Minister shall pay only one Grant grant under section 2 to a family unit in respect of each year.
- (2) Where an individual and his spouse are separated and have Spouses entered into a separation agreement, the Minister may make a grant under section 2 to each spouse who makes an application in respect of each year in which the applicant is an eligible person.
- (3) No individual shall make an application for or receive more One grant than one grant under section 2 in respect of each year.

Where principal residence shared **4.**—(1) Subject to subsection 2, where the occupancy cost of a principal residence is shared among the members of a family unit, two or more of whom are eligible persons or their spouses, the grant under section 2 to which they are entitled shall be applied for jointly by such eligible persons and there shall be designated on the application that portion of the grant or the whole thereof that is to be received by any of such applicants.

Apportion-

(2) Where a grant under section 2 is to be apportioned under subsection 1, such apportionment shall be made on the basis of the occupancy cost attributable to each applicant or to the spouse of an applicant where the applicant himself has not incurred any occupancy cost.

Date of eligibility R.S.C. 1970, c. O-6

**5.**—(1) An individual who becomes eligible to receive a pension under Part I of the *Old Age Security Act* (Canada) in January of any year, shall be deemed to be an eligible person for the immediately preceding year and may apply for a grant under section 2 or receive a grant under section 7 in respect of that preceding year.

Where tax credits not to be claimed

R.S.O. 1970, c. 217 1975, c. 41 (2) No individual who is eligible for a grant under section 2 or 7 shall apply for, or receive in respect of any year in which a grant is received under this Act, any tax credit provided under section 6b of *The Income Tax Act*, except a tax credit for a payment that is a contribution for the purposes of *The Election Finances Reform Act*, 1975.

Time limit on application **6.** An application for a grant under section 2 must be received by the Minister not later than twelve months from the end of the year to which the grant application relates.

Additional grant

**7.** In addition to any grant paid under section 2, the Minister may, in respect of each year, pay a grant of \$50 to every individual who is ordinarily resident in Ontario and who is eligible to receive a pension under Part I of the *Old Age Security Act* (Canada).

Ineligibility

- 8. In the event that,
  - (a) an eligible person ceases to have a principal residence;
  - (b) an individual ceases to be an eligible person; or
  - (c) an eligible person dies,

at any time in a year, the Minister may pay a grant to the applicant, his trustee, executor or administrator, the Public Trustee or a person entitled by law to apply for letters probate or letters of administration respecting the estate of the deceased, upon prescribed terms and conditions and in such amount as may be determined in the prescribed manner.

9.—(1) The Minister upon receiving an application for a grant Minister shall forthwith consider the application and he may,

application

- (a) approve payment of a grant and determine the amount thereof that may be paid to the applicant; or
- (b) determine that no grant may be paid to the applicant.
- (2) Where particulars of the basis on which the amount of any Notification grant that may be paid to the applicant was determined by the decision Minister are requested by the applicant, or where the Minister determines that no grant may be paid to the applicant, the Minister shall forthwith, in writing, notify the applicant of the basis upon which the amount was determined or of the basis upon which his determination was reached that no grant may be paid and shall notify the applicant of his right to object under this section.

(3) Where an applicant is dissatisfied with the determination of Objection by the Minister under subsection 1 or with the decision of the Minis- applicant ter under subsection 2, he may object to the determination or decision, and, within sixty days from the date of notice of such determination or decision by the Minister, serve on the Minister a notice of objection in the prescribed form setting out the reasons for the objection and all relevant facts.

(4) A notice of objection under this section shall be served by Notice being sent by registered mail addressed to the Minister, but the Minister may accept a notice of objection under this section notwithstanding that it was not served in the manner required.

(5) Upon receipt of the notice of objection, the Minister shall Minister forthwith reconsider the determination or decision objected to and reconsider confirm, vary or reverse such determination or decision, and he shall thereupon notify the person making the objection of his action by registered mail.

(6) A decision of the Minister under subsection 5 is final and is decision decision not subject to appeal except where the decision involves the final interpretation of a provision of this Act, or involves an issue solely of law.

10. In any dispute over a determination or decision of the Appeal on Minister under subsection 5 of section 9, the Minister may, where of law the dispute involves the interpretation of a provision of this Act, or involves an issue solely of law in which no facts are in dispute, or involves the proper inference to be drawn from facts that are not in dispute, agree in writing with the disputing party as to the undisputed facts and thereafter apply to the Supreme Court to have the issue in dispute determined, and if the Minister does not make the

application within six weeks of the date upon which the undisputed facts have been agreed upon in writing, the other party to the dispute may apply to the court to have the issue determined.

Information confidential

11.—(1) Except as provided in subsection 2, all information obtained under this Act by any officer, employee or agent of the Ministry is privileged and confidential, and no such officer, employee or agent shall knowingly communicate or allow to be communicated to any person not legally entitled thereto any such information, or allow any person not legally entitled to do so to inspect or have access to any statement or other writing containing such information.

Exceptions

(2) Any information referred to in subsection 1 that is obtained by any officer, employee or agent of the Ministry in the administration of this Act may be communicated to any officer or employee of the Department of National Health and Welfare of the Government of Canada or of the Department of National Revenue of the Government of Canada or of the Ministry of Treasury and Economics of the Government of Ontario.

Information Minister may act upon **12.**—(1) In order to facilitate the carrying out of the intent and purpose of this Act, or for the purpose of ascertaining any fact necessary to establish that a person is an eligible person under this Act, the Minister may act upon any decision made by the Minister of National Health and Welfare of the Government of Canada or by a court or tribunal to which an appeal is taken as provided for in the *Old Age Security Act* (Canada).

R.S.C. 1970, c. O-6

Agreements for information

(2) The Minister is authorized to enter into and to proceed upon any arrangement with the Minister of National Health and Welfare of the Government of Canada for obtaining, exchanging and keeping confidential any information furnished under this Act or under the *Old Age Security Act* (Canada), or any arrangement that will, in the opinion of the Minister, facilitate the implementation and carrying out of the provisions of this Act and the payment of grants to which an eligible person is entitled under this Act.

Grant not assignable

**13.** A grant under this Act shall not be assigned, charged, attached, anticipated or given as security, and any transaction purporting to assign, charge, attach, anticipate or give as security a grant is void.

Repayment of grant where ineligible 14.—(1) Where a person receives or obtains a grant under this Act to which he is not entitled or the payment of an amount in excess of the grant to which he is entitled, he shall forthwith return to the Minister such grant or excess amount, as the case may be.

Idem

(2) Where a person receives or obtains the payment of a grant to which he is not entitled or the payment of an amount in excess of

the grant to which he is entitled, the amount or excess amount, as the case may be, may be recovered in any court of competent jurisdiction as a debt due to the Crown in proceedings commenced at any time, and, where the person is or subsequently becomes an eligible person, the amount of any such indebtedness may be deducted and retained out of any grant payable to him or out of any payment to which he may be entitled at any time thereafter under subsection 5 of section 6b of The Income Tax Act, and where R.S.O. 1970. applicable, the amount of any such indebtedness may be recovered in the manner provided for in The Financial Administration Act.

## 15.—(1) Every person who,

Offence

- (a) knowingly, makes a false or misleading statement in an application or statement required or permitted by this Act, and who does so for the purpose of obtaining a grant under this Act to which he is not entitled or to which a person on whose behalf he is acting is not entitled;
- (b) knowingly, fails to disclose any information that is required to be disclosed and by reason thereof obtains a payment of a grant under this Act to which he is not entitled or to which the person on whose behalf he is acting is not entitled:
- (c) knowingly, converts to his own use a payment of a grant under this Act to which he is not entitled; or
- (d) contravenes section 11 or 16,

is guilty of an offence and on conviction is liable to a fine of not less than \$50 and not more that \$500.

(2) No proceedings in respect of an offence under this Act shall Limitation be commenced except within five years of the time when the offence was or is alleged to have been committed.

- **16.**—(1) Any person thereunto authorized by the Minister for Investigation any purpose related to the administration or enforcement of this Act may at all reasonable times enter into any premises or place where any business is carried on or any property is kept or where anything is done in connection with any business or where any books or records are kept and,

(a) audit or examine the books and records and any account, voucher, letter, telegram or other document that relates or may relate to the information that is or should be in the books or records or to the amount of a grant paid or payable under this Act;

- (b) examine property described in any conveyance or any property, process or matter, an examination of which may, in his opinion, assist him in determining the accuracy of any application required by this Act or in ascertaining the information that is or should be in the books or records or in such application, or the amount of any grant paid or payable under this Act;
- (c) require any person on the premises to give him all reasonable assistance with his audit or examination and to answer all questions relating to the audit or examination either orally or, if he so requires, in writing, on oath or by statutory declaration and, for that purpose, he may require such person to attend at the premises or place with him; and
- (d) if during the course of any audit or examination it appears to him that there has been a violation of this Act or the regulations, seize and take away any of the records, books, accounts, vouchers, letters, telegrams and other documents and retain them until they are produced in any court proceedings.

Production of documents and records to Minister

(2) The Minister may, for any purpose relating to the administration or enforcement of this Act, by registered letter or by a demand served personally, require from any person any information or additional information, or the production, or production on oath, of any books, letters, accounts, invoices, statements (financial or otherwise) or other documents within such reasonable time as is stipulated therein, provided that, in the opinion of the Minister or of the person authorized by him, it is necessary to make the demand in order to determine eligibility or possible eligibility for a grant under this Act.

Copies of documents and records

(3) Where a book, record or other document has been seized, examined or produced under this section, the person by whom it is seized or examined or to whom it is produced, or any officer of the Ministry of Revenue, may make or cause to be made one or more copies thereof, and a document purporting to be certified by the Minister or a person thereunto authorized by the Minister to be a copy made pursuant to this section is admissible in evidence and has the same probative force as the original document would have had if it had been proven in the ordinary way.

Compliance

(4) No person shall hinder or interfere with any person doing anything that he is authorized by this section to do or shall prevent or attempt to prevent any person doing any such thing, and notwithstanding any other law to the contrary, every person shall, unless he is unable to do so, do everything he is required by this section to do.

(5) Any officer or employee in the Ministry of Revenue who is Administration authorized by the Minister may administer oaths and take and receive affidavits, declarations and affirmations for the purposes of or incidental to the administration or enforcement of this Act, and every person so authorized has, in respect of any such oath, affidavit, declaration or affirmation, all the powers of a commissioner for taking affidavits.

## **17.**—(1) The Minister may make regulations,

Regulations

- (a) prescribing any form, notification or statement to be prescribed or that is required by this Act or that, in his opinion, will assist in the administration of this Act, and prescribing how and by whom any form, notification or statement shall be completed and what information it shall contain and requiring any information to be verified by statutory declaration;
- (b) prescribing classes of persons to be eligible persons who reside in a premises that is not a housing unit;
- (c) prescribing by class or type the kinds of institutions that are not housing units;
- (*d*) providing for the payment of interest where no grant was payable or on over-payments of a grant and prescribing the rate of interest payable thereon;
- (e) prescribing the manner in which occupancy costs shall be attributed for the purposes of subsection 2 of section 4.
- (2) The Lieutenant Governor in Council may make regula- Idem tions,
  - (a) prescribing the evidence to be furnished to the Minister to establish facts relevant to the entitlement of any person to receive a grant and to establish the amount of such grant;
  - (b) authorizing a designated officer or class of officers employed by the Government of Ontario to exercise powers or perform duties of the Minister under this Act;
  - (c) prescribing the manner in which any amount required by this Act to be deducted and retained out of any grant shall be so deducted and retained;
  - (d) prescribing any amount greater than the amount set out in clause a of subsection 2 of section 2 or set out in section 7;

- (e) prescribing the conditions of eligibility to any grant payable under this Act;
- (f) defining any word or expression for the purposes of this Act and the regulations that has not already been expressly defined in this Act;
- (g) prescribing any condition that an applicant must meet prior to receiving a grant;
- (h) prescribing any matter required by this Act to be prescribed by the regulations.

Retroactivity (3) A regulation is, if it so provides, effective with reference to a period before it was filed.

Moneys required for Act **18.** The moneys required for the purposes of this Act shall, until the 31st day of March, 1981, be paid out of the Consolidated Revenue Fund and thereafter shall be paid out of the moneys appropriated therefor by the Legislature.

Repeal

**19.**—(1) The Municipal and School Tax Credit Assistance Act, being chapter 285 of the Revised Statutes of Ontario, 1970, is repealed.

Proviso

(2) Notwithstanding subsection 1, subsections 3, 4, 5 and 6 of section 2 of *The Municipal and School Tax Credit Assistance Act* continue to apply in respect of any credit or refund allowed under that Act before the 1st day of January, 1981.

Commencement

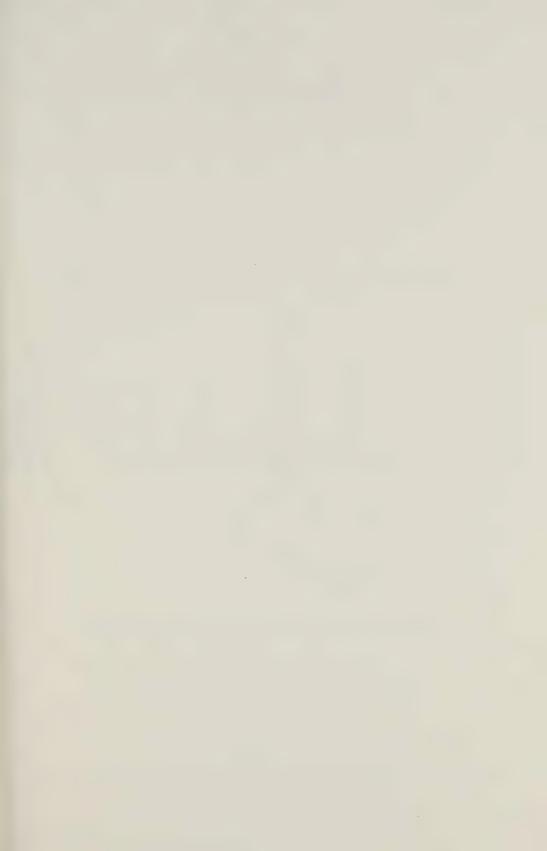
**20.**—(1) This Act, except section 19, comes into force on the 1st day of July, 1980.

Idem

(2) Section 19 comes into force on the 1st day of January, 1981.

Short title

**21.** The short title of this Act is The Ontario Pensioners Property Tax Assistance Act, 1980.



An Act to provide Property Tax Assistance for Pensioners in Ontario

1st Reading April 22nd, 1980

2nd Reading

3rd Reading

THE HON, F. S. MILLER
Treasurer of Ontario and Minister
of Economics

(Government Bill)

FBILL 48

Government Bill

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4th Session, 31st Legislature, Ontario 29 Elizabeth II, 1980

# An Act to provide Property Tax Assistance for Pensioners in Ontario

THE HON. F. S. MILLER Treasurer of Ontario and Minister of Economics

(Reprinted as amended by the Committee of the Whole House)



#### EXPLANATORY NOTE

The purpose of the Bill is to help to offset the burden of property and sales taxes on pensioners (and other Canadian citizens and persons lawfully admitted to Canada for permanent residence who have attained the age of 65 years) within Ontario and to implement the property tax relief proposal set out by the Treasurer of Ontario in his Budget Statement. References in these Explanatory Notes to pensioners include the group of persons who are 65 years of age or over mentioned above. Among the principal features of this Bill are the following:

- Commencing in 1980, Ontario will provide direct grants to eligible persons of up to \$500 to offset property taxes of pensioners who own or rent their principal residences. (Section 2.)
- 2. An eligible person is one who is eligible to receive an Old Age Security pension or who is a Canadian citizen or a person lawfully admitted to Canada for permanent residence who has attained the age of 65 years and who incurs occupancy costs. Grants are payable each year to persons who are entitled to receive an Old Age Securitypension in that year or who will be so eligible in January of the following year. The Bill ensures that any person who turns 65 and is eligible during a year is entitled to the amount of the full grant for that year. (Sections 1 and 5 (1).)
- 3. The amount of the grant will be equal to occupancy costs or \$500, whichever is less. The Bill defines occupancy cost as property taxes paid or 20 per cent of rent paid, whichever is applicable. (Sections 1 and 2.)
- 4. For married couples, only one grant will be paid per couple. Only one spouse need receive the Old Age Security pension for the couple to be eligible for a grant under this Bill. Where individuals share accommodation, and are eligible for a grant under this Bill, only one grant will be paid. (Section 3.) However, where an individual and his spouse are separated and have entered into a separation agreement, a grant may be made to each spouse who is eligible to receive an Old Age Security pension. (Section 3 (2).)
- 5. In lieu of the Sales Tax Credit currently available under *The Income Tax Act*, the Minister may make a grant of \$50 in each year to each person who is eligible to receive an Old Age Security pension. (Section 7.) It will not be necessary for eligible persons to make an application for this grant. It will be sent out automatically at the end of each year. Pensioners will no longer have to complete an income tax return solely for the purpose of obtaining a Property, Pensioner or Sales Tax Credit. Only a tax credit for a payment that is a contribution under *The Election Finances Reform Act*, 1975 need now be claimed under *The Income Tax Act*. (Section 5 (2).)
- 6. Ancillary amendments are proposed to *The Income Tax Act* to ensure that no person who is eligible for or receives a grant under this Act may claim a tax credit under *The Income Tax Act*.
- 7. Pensioners who reside in any charitable institution, home for special care, home for the aged, private nursing home, public nursing home or chronic care facility will not be eligible to receive a grant under this Act in respect of occupancy costs. They will be eligible for a grant of \$50 under section 7.
- 8. The Bill contemplates that in 1981 and subsequent years, pensioners who were eligible in the previous year will automatically receive up to one-half of the previous year's entitlement in the earlier part of the year following without making application. In the later part of the year,

- application forms will be sent out for completion by eligible pensioners to entitle them to receive the balance of their grant. (Section 2 (3).)
- 9. The Act will be administered by the Minister of Revenue. The applications for grants under section 2 and grants paid under section 7 will be sent out automatically by the Minister to all persons in receipt of Old Age Security pensions.
- 10. Where occupancy costs are shared by two or more eligible persons, an application for a grant shall be made jointly. The application may request the whole amount of the grant be paid to one eligible person or may request that the grant be apportioned amongst the eligible persons. Where a grant is apportioned, the apportionment must be based on the occupancy costs attributable to each eligible person.
- 11. Where an eligible person ceases to have a principal residence, or an individual becomes ineligible or dies, the Minister may make a grant to the applicant, his trustee, executor or administrator, or person entitled by law to apply for letters probate or letters of administration respecting the estate of the deceased. (Section 8.)
- 12. No grant paid under the Act may be assigned, charged or attached and any transaction purporting to assign, charge or attach it is void. (Section 13.)
- 13. The Minister is authorized to enter into arrangements with the Minister of National Health and Welfare of the Government of Canada to obtain, exchange and keep confidential any information furnished under the Act or under the *Old Age Security Act* (Canada). In order to minimize duplication and to avoid inconsistencies, the Minister is entitled to reply on any decision made by the Minister of National Health and Welfare respecting eligibility for an Old Age Security pension. (Section 12.)
- 14. The Bill contains provision for any individual who does not receive a grant or who receives a grant in an amount less than he feels he is entitled to, to object to the Minister who shall thereupon reconsider his decision. The decision of the Minister on questions of fact is final. Where the Minister's decision involves the interpretation of a provision of the Act or an issue of law, an appeal may be taken to the Supreme Court. (Sections 9 and 10.)
- 15. The Bill contains administrative provisions respecting confidentiality of information obtained by the Minister, right of audit and inspection and authority to collect grants where they were improperly obtained. (Sections 11, 14 and 16.)
- 16. When passed, this legislation will come into force on July 1st, 1980. The same coming into force date will apply to tax credit amendments under *The Income Tax Act*. Eligible individuals will be entitled to receive a grant for the full year notwithstanding that the Act comes into force on July 1st.

## An Act to provide Property Tax Assistance for Pensioners in Ontario

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Interpretation

- (a) "applicant" means an individual who has applied for a grant under this Act;
- (b) "application" means an application for a grant under this Act;
- (c) "eligible person" means an individual who is ordinarily resident in Ontario and,
  - (i) is eligible to receive a pension under Part I of the Old Age Security Act (Canada), or

R.S.C. 1970, c. O-6

(ii) is a Canadian citizen or a person who has been lawfully admitted to Canada for permanent residence and has attained the age of sixty-five years on or before the 31st day of December in the year in respect of which a grant is applied for under subsection 1 of section 2,

and incurs, or whose spouse incurs, occupancy cost;

- (d) "family unit" means,
  - (i) an individual and his spouse, or
  - (ii) any individuals occupying the same principal residence, whether or not they are related to each other;
- (e) "housing unit" includes any premises that an individual ordinarily occupies and inhabits as his residence during the year, but does not include premises that are part of a chronic care facility or other similar institution that is

prescribed or that are part of any charitable institution, home for special care, home for the aged, public nursing home or private nursing home;

- (f) "Minister" means the Minister of Revenue or such other member of the Executive Council to whom the administration of this Act is assigned;
- (g) "municipal tax" means,
  - (i) taxes for municipal and school purposes levied in respect of real property in Ontario that is assessed as residential or farm property,
  - (ii) taxes levied for local improvements to real property in Ontario,
  - (iii) taxes levied under *The Provincial Land Tax Act* or *The Local Roads Boards Act*, and
  - (iv) such other taxes or special rates as are prescribed,

but "municipal tax" does not include any tax or rate that was payable prior to the 1st day of January, 1980;

- (h) "occupancy cost" means,
  - (i) municipal tax paid or payable in the year to which the application relates in respect of a principal residence of the applicant or his spouse to the extent that such principal residence is beneficially owned by them or either of them or is held in trust for the use and occupation of them or either of them and their dependants as a principal residence, or
  - (ii) 20 per cent of,
    - A. municipal tax paid in the year to which the application relates in respect of a principal residence that is not beneficially owned by the applicant and his spouse or either of them or is not held in trust for them or either of them and their dependants, but only to the extent that such municipal tax is included by the owner of such principal residence in computing his taxable income under the *Income Tax Act* (Canada) for the taxation year, and
    - B. rent paid in the year to which the application relates for occupation of a principal residence of the applicant where such rent is paid by or on behalf of the appli-

R.S.O. 1970, cc. 370, 256

R.S.C. 1952, c. 148

cant or his spouse and is calculated to exclude all payments on account of meals or board and all payments of rent for occupation prior to the 1st day of January, 1980;

- (i) "prescribed" means prescribed by the regulations:
- (j) "principal residence" means a housing unit in Ontario that was in the year to which the application relates occupied by the applicant as his principal residence, and that is designated by the applicant in the prescribed manner as a principal residence of his in the year to which the application relates;
- (k) "regulations" means the regulations made under this
- (1) "separation agreement" means an agreement under which an individual and his spouse live separate and apart and maintain separate principal residences.
- 2.—(1) Subject to section 6, an individual may make an appli- Application cation for a grant in the form prescribed by the Minister in respect payment of of a year in which he was an eligible person and the Minister may, grant subject to the provisions of this Act, pay a grant to that individual.

- (2) A grant under subsection 1 shall not exceed the lesser of, Limits
  - (a) \$500; or
  - (b) the occupancy costs of the applicant or his spouse incurred in the year to which the application relates.
- (3) In 1981 and subsequent years, the Minister may pay a grant Instalment under this section in two or more instalments and may, without receipt of an application, pay to an eligible person that portion of a grant which does not exceed one half of such eligible person's entitlement in the prior year under this section, but the balance of such grant shall be paid only upon receipt of an application.

- 3.—(1) Subject to subsection 2, the Minister shall pay only one Grant grant under section 2 to a family unit in respect of each year.
- (2) Where an individual and his spouse are separated and have Spouses entered into a separation agreement, the Minister may make a grant under section 2 to each spouse who makes an application in respect of each year in which the applicant is an eligible person.
- (3) No individual shall make an application for or receive more One grant than one grant under section 2 in respect of each year.

Where principal residence shared 4.—(1) Subject to subsection 2, where the occupancy cost of a principal residence is shared among the members of a family unit, two or more of whom are eligible persons or their spouses, the grant under section 2 to which they are entitled shall be applied for jointly by such eligible persons and there shall be designated on the application that portion of the grant or the whole thereof that is to be received by any of such applicants.

Apportion-

(2) Where a grant under section 2 is to be apportioned under subsection 1, such apportionment shall be made on the basis of the occupancy cost attributable to each applicant or to the spouse of an applicant where the applicant himself has not incurred any occupancy cost.

Date of eligibility R.S.C. 1970, c. O-6

**5.**—(1) An individual who becomes eligible to receive a pension under Part I of the *Old Age Security Act* (Canada) in January of any year, shall be deemed to be an eligible person for the immediately preceding year and may apply for a grant under section 2 or receive a grant under section 7 in respect of that preceding year.

Where tax credits not to be claimed

- R.S.O. 1970, c. 217 1975, c. 41
- (2) No individual who is eligible for a grant under section 2 or 7 shall apply for, or receive in respect of any year in which a grant is received under this Act, any tax credit provided under section 6b of *The Income Tax Act*, except a tax credit for a payment that is a contribution for the purposes of *The Election Finances Reform Act*, 1975.

Time limit on application **6.** An application for a grant under section 2 must be received by the Minister not later than twelve months from the end of the year to which the grant application relates.

Additional grant

- 7. In addition to any grant paid under section 2, the Minister may, in respect of each year, pay a grant of \$50 to every individual who is ordinarily resident in Ontario and,
  - (a) is eligible to receive a pension under Part I of the Old Age Security Act (Canada); or
  - (b) is a Canadian citizen or a person who has been lawfully admitted to Canada for permanent residence and has attained the age of sixty-five years on or before the 31st day of December in the year in respect of which a grant may be paid under this section.

Ineligibility

- 8. In the event that,
  - (a) an eligible person ceases to have a principal residence;
  - (b) an individual ceases to be an eligible person; or
  - (c) an eligible person dies,

at any time in a year, the Minister may pay a grant to the applicant, his trustee, executor or administrator, the Public Trustee or a person entitled by law to apply for letters probate or letters of administration respecting the estate of the deceased, upon prescribed terms and conditions and in such amount as may be determined in the prescribed manner.

9.—(1) The Minister upon receiving an application for a grant Minister shall forthwith consider the application and he may,

application

- (a) approve payment of a grant and determine the amount thereof that may be paid to the applicant; or
- (b) determine that no grant may be paid to the applicant.
- (2) Where particulars of the basis on which the amount of any Notification of Minister's grant that may be paid to the applicant was determined by the decision Minister are requested by the applicant, or where the Minister determines that no grant may be paid to the applicant, the Minister shall forthwith, in writing, notify the applicant of the basis upon which the amount was determined or of the basis upon which his determination was reached that no grant may be paid and shall notify the applicant of his right to object under this section.

(3) Where an applicant is dissatisfied with the determination of Objection by the Minister under subsection 1 or with the decision of the Minis- applicant ter under subsection 2, he may object to the determination or decision, and, within sixty days from the date of notice of such determination or decision by the Minister, serve on the Minister a notice of objection in the prescribed form setting out the reasons for the objection and all relevant facts.

(4) A notice of objection under this section shall be served by Notice being sent by registered mail addressed to the Minister, but the Minister may accept a notice of objection under this section notwithstanding that it was not served in the manner required.

(5) Upon receipt of the notice of objection, the Minister shall Minister forthwith reconsider the determination or decision objected to and reconsider confirm, vary or reverse such determination or decision, and he shall thereupon notify the person making the objection of his action by registered mail.

(6) A decision of the Minister under subsection 5 is final and is Minister's decision not subject to appeal except where the decision involves the final interpretation of a provision of this Act, or involves an issue solely of law.

10. In any dispute over a determination or decision of the Appeal on Minister under subsection 5 of section 9, the Minister may, where of law

the dispute involves the interpretation of a provision of this Act, or involves an issue solely of law in which no facts are in dispute, or involves the proper inference to be drawn from facts that are not in dispute, agree in writing with the disputing party as to the undisputed facts and thereafter apply to the Supreme Court to have the issue in dispute determined, and if the Minister does not make the application within six weeks of the date upon which the undisputed facts have been agreed upon in writing, the other party to the dispute may apply to the court to have the issue determined.

Information

11.—(1) Except as provided in subsection 2, all information obtained under this Act by any officer, employee or agent of the Ministry is privileged and confidential, and no such officer, employee or agent shall knowingly communicate or allow to be communicated to any person not legally entitled thereto any such information, or allow any person not legally entitled to do so to inspect or have access to any statement or other writing containing such information.

Exceptions

(2) Any information referred to in subsection 1 that is obtained by any officer, employee or agent of the Ministry in the administration of this Act may be communicated to any officer or employee of the Department of National Health and Welfare of the Government of Canada or of the Department of National Revenue of the Government of Canada or of the Ministry of Treasury and Economics of the Government of Ontario.

Information Minister may act upon

12.—(1) In order to facilitate the carrying out of the intent and purpose of this Act, or for the purpose of ascertaining any fact necessary to establish that a person is an eligible person under this Act, the Minister may act upon any decision made by the Minister of National Health and Welfare of the Government of Canada or by a court or tribunal to which an appeal is taken as provided for in the *Old Age Security Act* (Canada).

R.S.C. 1970, c. O-6

(2) The Minister is authorized to enter into and to proceed upon any arrangement with the Minister of National Health and Welfare of the Government of Canada for obtaining, exchanging and keeping confidential any information furnished under this Act or under the *Old Age Security Act* (Canada), or any arrangement that will, in the opinion of the Minister, facilitate the implementation and carrying out of the provisions of this Act and the payment of grants to which an eligible person is entitled under this Act.

for information

**13.** A grant under this Act shall not be assigned, charged, attached, anticipated or given as security, and any transaction purporting to assign, charge, attach, anticipate or give as security a grant is void.

Repayment

where

Grant not

assignable

14.—(1) Where a person receives or obtains a grant under this Act to which he is not entitled or the payment of an amount in

excess of the grant to which he is entitled, he shall forthwith return to the Minister such grant or excess amount, as the case may be.

(2) Where a person receives or obtains the payment of a grant to Idem which he is not entitled or the payment of an amount in excess of the grant to which he is entitled, the amount or excess amount, as the case may be, may be recovered in any court of competent jurisdiction as a debt due to the Crown in proceedings commenced at any time, and, where the person is or subsequently becomes an eligible person, the amount of any such indebtedness may be deducted and retained out of any grant payable to him or out of any payment to which he may be entitled at any time thereafter under subsection 5 of section 6b of The Income Tax Act, and where R.S.O. 1970. applicable, the amount of any such indebtedness may be recovered in the manner provided for in The Financial Administration Act.

## 15.—(1) Every person who,

- (a) knowingly, makes a false or misleading statement in an application or statement required or permitted by this Act, and who does so for the purpose of obtaining a grant under this Act to which he is not entitled or to which a person on whose behalf he is acting is not entitled;
- (b) knowingly, fails to disclose any information that is required to be disclosed and by reason thereof obtains a payment of a grant under this Act to which he is not entitled or to which the person on whose behalf he is acting is not entitled;
- (c) knowingly, converts to his own use a payment of a grant under this Act to which he is not entitled; or
- (d) contravenes section 11 or 16,

is guilty of an offence and on conviction is liable to a fine of not less than \$50 and not more that \$500.

(2) No proceedings in respect of an offence under this Act shall Limitation be commenced except within five years of the time when the offence was or is alleged to have been committed.

16.—(1) Any person thereunto authorized by the Minister for Investigation any purpose related to the administration or enforcement of this Act may at all reasonable times enter into any premises or place where any business is carried on or any property is kept or where anything is done in connection with any business or where any books or records are kept and,

- (a) audit or examine the books and records and any account, voucher, letter, telegram or other document that relates or may relate to the information that is or should be in the books or records or to the amount of a grant paid or payable under this Act;
- (b) examine property described in any conveyance or any property, process or matter, an examination of which may, in his opinion, assist him in determining the accuracy of any application required by this Act or in ascertaining the information that is or should be in the books or records or in such application, or the amount of any grant paid or payable under this Act;
- (c) require any person on the premises to give him all reasonable assistance with his audit or examination and to answer all questions relating to the audit or examination either orally or, if he so requires, in writing, on oath or by statutory declaration and, for that purpose, he may require such person to attend at the premises or place with him; and
- (d) if during the course of any audit or examination it appears to him that there has been a violation of this Act or the regulations, seize and take away any of the records, books, accounts, vouchers, letters, telegrams and other documents and retain them until they are produced in any court proceedings.

Production of documents and records to Minister

(2) The Minister may, for any purpose relating to the administration or enforcement of this Act, by registered letter or by a demand served personally, require from any person any information or additional information, or the production, or production on oath, of any books, letters, accounts, invoices, statements (financial or otherwise) or other documents within such reasonable time as is stipulated therein, provided that, in the opinion of the Minister or of the person authorized by him, it is necessary to make the demand in order to determine eligibility or possible eligibility for a grant under this Act.

Copies of documents and records (3) Where a book, record or other document has been seized, examined or produced under this section, the person by whom it is seized or examined or to whom it is produced, or any officer of the Ministry of Revenue, may make or cause to be made one or more copies thereof, and a document purporting to be certified by the Minister or a person thereunto authorized by the Minister to be a copy made pursuant to this section is admissible in evidence and has the same probative force as the original document would have had if it had been proven in the ordinary way.

- (4) No person shall hinder or interfere with any person doing Compliance anything that he is authorized by this section to do or shall prevent or attempt to prevent any person doing any such thing, and notwithstanding any other law to the contrary, every person shall, unless he is unable to do so, do everything he is required by this section to do.
- (5) Any officer or employee in the Ministry of Revenue who is Administration authorized by the Minister may administer oaths and take and of oaths receive affidavits, declarations and affirmations for the purposes of or incidental to the administration or enforcement of this Act, and every person so authorized has, in respect of any such oath, affidavit, declaration or affirmation, all the powers of a commissioner for taking affidavits.

## 17.—(1) The Minister may make regulations,

Regulations

- (a) prescribing any form, notification or statement to be prescribed or that is required by this Act or that, in his opinion, will assist in the administration of this Act, and prescribing how and by whom any form, notification or statement shall be completed and what information it shall contain and requiring any information to be verified by statutory declaration;
- (b) prescribing classes of persons to be eligible persons who reside in a premises that is not a housing unit;
- (c) prescribing by class or type the kinds of institutions that are not housing units;
- (d) providing for the payment of interest where no grant was payable or on over-payments of a grant and prescribing the rate of interest payable thereon;
- (e) prescribing the manner in which occupancy costs shall be attributed for the purposes of subsection 2 of section
- (2) The Lieutenant Governor in Council may make regula- Idem tions,
  - (a) prescribing the evidence to be furnished to the Minister to establish facts relevant to the entitlement of any person to receive a grant and to establish the amount of such grant;
  - (b) authorizing a designated officer or class of officers employed by the Government of Ontario to exercise powers or perform duties of the Minister under this Act;

- (c) prescribing the manner in which any amount required by this Act to be deducted and retained out of any grant shall be so deducted and retained;
- (d) prescribing any amount greater than the amount set out in clause a of subsection 2 of section 2 or set out in section 7;
- (e) prescribing the conditions of eligibility to any grant payable under this Act;
- (f) defining any word or expression for the purposes of this Act and the regulations that has not already been expressly defined in this Act;
- (g) prescribing any condition that an applicant must meet prior to receiving a grant;
- (h) prescribing any matter required by this Act to be prescribed by the regulations.

Retroactivity (3) A regulation is, if it so provides, effective with reference to a period before it was filed.

Moneys required for Act

18. The moneys required for the purposes of this Act shall, until the 31st day of March, 1981, be paid out of the Consolidated Revenue Fund and thereafter shall be paid out of the moneys appropriated therefor by the Legislature.

Repeal

**19.**—(1) The Municipal and School Tax Credit Assistance Act, being chapter 285 of the Revised Statutes of Ontario, 1970, is repealed.

Proviso

(2) Notwithstanding subsection 1, subsections 3, 4, 5 and 6 of section 2 of *The Municipal and School Tax Credit Assistance Act* continue to apply in respect of any credit or refund allowed under that Act before the 1st day of January, 1981.

Commencement **20.**—(1) This Act, except section 19, comes into force on the 1st day of July, 1980.

Idem

(2) Section 19 comes into force on the 1st day of January, 1981.

Short title

**21.** The short title of this Act is The Ontario Pensioners Property Tax Assistance Act, 1980.



# An Act to provide Property Tax Assistance for Pensioners in Ontario

1st Reading April 22nd, 1980

2nd Reading
June 16th, 1980

3rd Reading

THE HON. F. S. MILLER
Treasurer of Ontario and Minister
of Economics

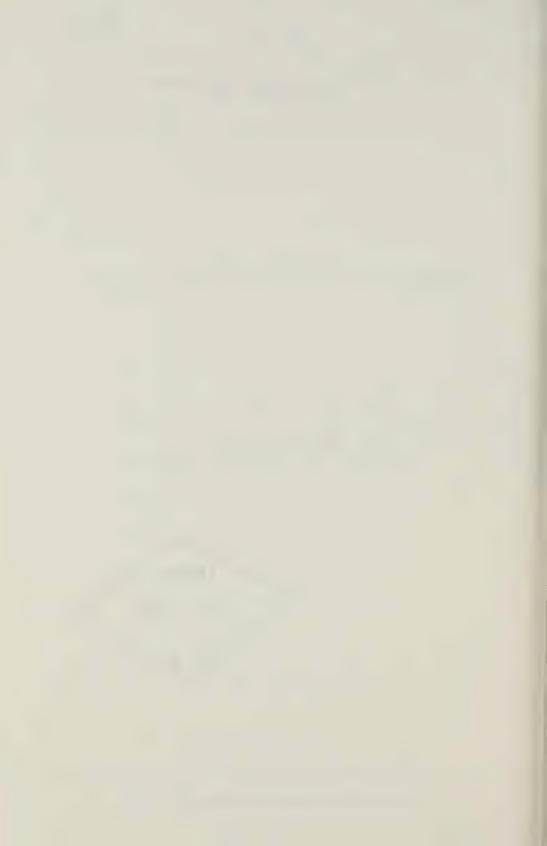
(Reprinted as amended by the Committee of the Whole House)

4TH SESSION, 31ST LEGISLATURE, ONTARIO 29 ELIZABETH II, 1980

# An Act to provide Property Tax Assistance for Pensioners in Ontario

THE HON. F. S. MILLER
Treasurer of Ontario and Minister of Economics





BILL 48 1980

## An Act to provide Property Tax Assistance for Pensioners in Ontario

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

## 1. In this Act,

Interpretation

- (a) "applicant" means an individual who has applied for a grant under this Act;
- (b) "application" means an application for a grant under this Act;
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  - (i) is eligible to receive a pension under Part I of the Old Age Security Act (Canada), or

R.S.C. 1970,

(ii) is a Canadian citizen or a person who has been lawfully admitted to Canada for permanent residence and has attained the age of sixty-five years on or before the 31st day of December in the year in respect of which a grant is applied for under subsection 1 of section 2,

and incurs, or whose spouse incurs, occupancy cost;

- (d) "family unit" means,
  - (i) an individual and his spouse, or
  - (ii) any individuals occupying the same principal residence, whether or not they are related to each other:
- (e) "housing unit" includes any premises that an individual ordinarily occupies and inhabits as his residence during the year, but does not include premises that are part of a chronic care facility or other similar institution that is

prescribed or that are part of any charitable institution, home for special care, home for the aged, public nursing home or private nursing home;

- (f) "Minister" means the Minister of Revenue or such other member of the Executive Council to whom the administration of this Act is assigned;
- (g) "municipal tax" means,
  - (i) taxes for municipal and school purposes levied in respect of real property in Ontario that is assessed as residential or farm property,
  - (ii) taxes levied for local improvements to real property in Ontario,
  - (iii) taxes levied under *The Provincial Land Tax Act* or *The Local Roads Boards Act*, and
  - (iv) such other taxes or special rates as are prescribed,

but "municipal tax" does not include any tax or rate that was payable prior to the 1st day of January, 1980;

- (h) "occupancy cost" means,
  - (i) municipal tax paid or payable in the year to which the application relates in respect of a principal residence of the applicant or his spouse to the extent that such principal residence is beneficially owned by them or either of them or is held in trust for the use and occupation of them or either of them and their dependants as a principal residence, or
  - (ii) 20 per cent of,
    - A. municipal tax paid in the year to which the application relates in respect of a principal residence that is not beneficially owned by the applicant and his spouse or either of them or is not held in trust for them or either of them and their dependants, but only to the extent that such municipal tax is included by the owner of such principal residence in computing his taxable income under the *Income Tax Act* (Canada) for the taxation year, and
    - B. rent paid in the year to which the application relates for occupation of a principal residence of the applicant where such rent is paid by or on behalf of the appli-

R.S.O. 1970,

cc. 370, 256

R.S.C. 1952, c. 148 cant or his spouse and is calculated to exclude all payments on account of meals or board and all payments of rent for occupation prior to the 1st day of January, 1980;

- (i) "prescribed" means prescribed by the regulations;
- (j) "principal residence" means a housing unit in Ontario that was in the year to which the application relates occupied by the applicant as his principal residence, and that is designated by the applicant in the prescribed manner as a principal residence of his in the year to which the application relates:
- (k) "regulations" means the regulations made under this Act;
- (l) "separation agreement" means an agreement under which an individual and his spouse live separate and apart and maintain separate principal residences.
- 2.—(1) Subject to section 6, an individual may make an appli- Application cation for a grant in the form prescribed by the Minister in respect payment of of a year in which he was an eligible person and the Minister may, grant subject to the provisions of this Act, pay a grant to that individual.

- (2) A grant under subsection 1 shall not exceed the lesser of, Limits
  - (a) \$500; or
  - (b) the occupancy costs of the applicant or his spouse incurred in the year to which the application relates.
- (3) In 1981 and subsequent years, the Minister may pay a grant Instalment under this section in two or more instalments and may, without receipt of an application, pay to an eligible person that portion of a grant which does not exceed one half of such eligible person's entitlement in the prior year under this section, but the balance of such grant shall be paid only upon receipt of an application.

- 3.—(1) Subject to subsection 2, the Minister shall pay only one Grant grant under section 2 to a family unit in respect of each year.
- (2) Where an individual and his spouse are separated and have Spouses entered into a separation agreement, the Minister may make a separated grant under section 2 to each spouse who makes an application in respect of each year in which the applicant is an eligible person.
- (3) No individual shall make an application for or receive more One grant than one grant under section 2 in respect of each year.

Where principal residence shared 4.—(1) Subject to subsection 2, where the occupancy cost of a principal residence is shared among the members of a family unit, two or more of whom are eligible persons or their spouses, the grant under section 2 to which they are entitled shall be applied for jointly by such eligible persons and there shall be designated on the application that portion of the grant or the whole thereof that is to be received by any of such applicants.

Apportionment (2) Where a grant under section 2 is to be apportioned under subsection 1, such apportionment shall be made on the basis of the occupancy cost attributable to each applicant or to the spouse of an applicant where the applicant himself has not incurred any occupancy cost.

Date of eligibility R.S.C. 1970, c. O-6 **5.**—(1) An individual who becomes eligible to receive a pension under Part I of the *Old Age Security Act* (Canada) in January of any year, shall be deemed to be an eligible person for the immediately preceding year and may apply for a grant under section 2 or receive a grant under section 7 in respect of that preceding year.

Where tax credits not to be claimed

R.S.O. 1970,

1975, c. 41

c. 217

(2) No individual who is eligible for a grant under section 2 or 7 shall apply for, or receive in respect of any year in which a grant is received under this Act, any tax credit provided under section 6b of *The Income Tax Act*, except a tax credit for a payment that is a contribution for the purposes of *The Election Finances Reform Act*, 1975.

Time limit on application

**6.** An application for a grant under section 2 must be received by the Minister not later than twelve months from the end of the year to which the grant application relates.

Additional grant

- **7.** In addition to any grant paid under section 2, the Minister may, in respect of each year, pay a grant of \$50 to every individual who is ordinarily resident in Ontario and,
  - (a) is eligible to receive a pension under Part I of the Old Age Security Act (Canada); or
  - (b) is a Canadian citizen or a person who has been lawfully admitted to Canada for permanent residence and has attained the age of sixty-five years on or before the 31st day of December in the year in respect of which a grant may be paid under this section.

Ineligibility

- 8. In the event that,
  - (a) an eligible person ceases to have a principal residence;
  - (b) an individual ceases to be an eligible person; or
  - (c) an eligible person dies,

at any time in a year, the Minister may pay a grant to the applicant, his trustee, executor or administrator, the Public Trustee or a person entitled by law to apply for letters probate or letters of administration respecting the estate of the deceased, upon prescribed terms and conditions and in such amount as may be determined in the prescribed manner.

9.—(1) The Minister upon receiving an application for a grant Minister shall forthwith consider the application and he may,

- (a) approve payment of a grant and determine the amount thereof that may be paid to the applicant; or
- (b) determine that no grant may be paid to the applicant.
- (2) Where particulars of the basis on which the amount of any Notification grant that may be paid to the applicant was determined by the decision Minister are requested by the applicant, or where the Minister determines that no grant may be paid to the applicant, the Minister shall forthwith, in writing, notify the applicant of the basis upon which the amount was determined or of the basis upon which his determination was reached that no grant may be paid and shall notify the applicant of his right to object under this section.

(3) Where an applicant is dissatisfied with the determination of Objection by the Minister under subsection 1 or with the decision of the Minis- applicant ter under subsection 2, he may object to the determination or decision, and, within sixty days from the date of notice of such determination or decision by the Minister, serve on the Minister a notice of objection in the prescribed form setting out the reasons for the objection and all relevant facts.

(4) A notice of objection under this section shall be served by Notice being sent by registered mail addressed to the Minister, but the Minister may accept a notice of objection under this section notwithstanding that it was not served in the manner required.

(5) Upon receipt of the notice of objection, the Minister shall Minister forthwith reconsider the determination or decision objected to and reconsider confirm, vary or reverse such determination or decision, and he shall thereupon notify the person making the objection of his action by registered mail.

(6) A decision of the Minister under subsection 5 is final and is decision decision not subject to appeal except where the decision involves the final interpretation of a provision of this Act, or involves an issue solely of law.

**10.** In any dispute over a determination or decision of the Appeal on Minister under subsection 5 of section 9, the Minister may, where of law

the dispute involves the interpretation of a provision of this Act, or involves an issue solely of law in which no facts are in dispute, or involves the proper inference to be drawn from facts that are not in dispute, agree in writing with the disputing party as to the undisputed facts and thereafter apply to the Supreme Court to have the issue in dispute determined, and if the Minister does not make the application within six weeks of the date upon which the undisputed facts have been agreed upon in writing, the other party to the dispute may apply to the court to have the issue determined.

Information

11.—(1) Except as provided in subsection 2, all information obtained under this Act by any officer, employee or agent of the Ministry is privileged and confidential, and no such officer, employee or agent shall knowingly communicate or allow to be communicated to any person not legally entitled thereto any such information, or allow any person not legally entitled to do so to inspect or have access to any statement or other writing containing such information.

Exceptions

(2) Any information referred to in subsection 1 that is obtained by any officer, employee or agent of the Ministry in the administration of this Act may be communicated to any officer or employee of the Department of National Health and Welfare of the Government of Canada or of the Department of National Revenue of the Government of Canada or of the Ministry of Treasury and Economics of the Government of Ontario.

Information Minister may act upon **12.**—(1) In order to facilitate the carrying out of the intent and purpose of this Act, or for the purpose of ascertaining any fact necessary to establish that a person is an eligible person under this Act, the Minister may act upon any decision made by the Minister of National Health and Welfare of the Government of Canada or by a court or tribunal to which an appeal is taken as provided for in the *Old Age Security Act* (Canada).

R.S.C. 1970, c. O-6

Agreements for information (2) The Minister is authorized to enter into and to proceed upon any arrangement with the Minister of National Health and Welfare of the Government of Canada for obtaining, exchanging and keeping confidential any information furnished under this Act or under the *Old Age Security Act* (Canada), or any arrangement that will, in the opinion of the Minister, facilitate the implementation and carrying out of the provisions of this Act and the payment of grants to which an eligible person is entitled under this Act.

Grant not assignable

**13.** A grant under this Act shall not be assigned, charged, attached, anticipated or given as security, and any transaction purporting to assign, charge, attach, anticipate or give as security a grant is void.

Repayment of grant where ineligible **14.**—(1) Where a person receives or obtains a grant under this Act to which he is not entitled or the payment of an amount in

excess of the grant to which he is entitled, he shall forthwith return to the Minister such grant or excess amount, as the case may be.

(2) Where a person receives or obtains the payment of a grant to Idem which he is not entitled or the payment of an amount in excess of the grant to which he is entitled, the amount or excess amount, as the case may be, may be recovered in any court of competent jurisdiction as a debt due to the Crown in proceedings commenced at any time, and, where the person is or subsequently becomes an eligible person, the amount of any such indebtedness may be deducted and retained out of any grant payable to him or out of any payment to which he may be entitled at any time thereafter under subsection 5 of section 6b of The Income Tax Act, and where R.S.O. 1970. applicable, the amount of any such indebtedness may be recovered in the manner provided for in The Financial Administration Act.

#### **15.**—(1) Every person who,

Offence

- (a) knowingly, makes a false or misleading statement in an application or statement required or permitted by this Act, and who does so for the purpose of obtaining a grant under this Act to which he is not entitled or to which a person on whose behalf he is acting is not entitled;
- (b) knowingly, fails to disclose any information that is required to be disclosed and by reason thereof obtains a payment of a grant under this Act to which he is not entitled or to which the person on whose behalf he is acting is not entitled:
- (c) knowingly, converts to his own use a payment of a grant under this Act to which he is not entitled; or
- (d) contravenes section 11 or 16,

is guilty of an offence and on conviction is liable to a fine of not less than \$50 and not more that \$500.

(2) No proceedings in respect of an offence under this Act shall Limitation be commenced except within five years of the time when the offence was or is alleged to have been committed.

**16.**—(1) Any person thereunto authorized by the Minister for Investigation any purpose related to the administration or enforcement of this Act may at all reasonable times enter into any premises or place where any business is carried on or any property is kept or where anything is done in connection with any business or where any books or records are kept and,

- (a) audit or examine the books and records and any account, voucher, letter, telegram or other document that relates or may relate to the information that is or should be in the books or records or to the amount of a grant paid or payable under this Act;
- (b) examine property described in any conveyance or any property, process or matter, an examination of which may, in his opinion, assist him in determining the accuracy of any application required by this Act or in ascertaining the information that is or should be in the books or records or in such application, or the amount of any grant paid or payable under this Act;
- (c) require any person on the premises to give him all reasonable assistance with his audit or examination and to answer all questions relating to the audit or examination either orally or, if he so requires, in writing, on oath or by statutory declaration and, for that purpose, he may require such person to attend at the premises or place with him; and
- (d) if during the course of any audit or examination it appears to him that there has been a violation of this Act or the regulations, seize and take away any of the records, books, accounts, vouchers, letters, telegrams and other documents and retain them until they are produced in any court proceedings.

Production of documents and records to Minister

(2) The Minister may, for any purpose relating to the administration or enforcement of this Act, by registered letter or by a demand served personally, require from any person any information or additional information, or the production, or production on oath, of any books, letters, accounts, invoices, statements (financial or otherwise) or other documents within such reasonable time as is stipulated therein, provided that, in the opinion of the Minister or of the person authorized by him, it is necessary to make the demand in order to determine eligibility or possible eligibility for a grant under this Act.

Copies of documents and records (3) Where a book, record or other document has been seized, examined or produced under this section, the person by whom it is seized or examined or to whom it is produced, or any officer of the Ministry of Revenue, may make or cause to be made one or more copies thereof, and a document purporting to be certified by the Minister or a person thereunto authorized by the Minister to be a copy made pursuant to this section is admissible in evidence and has the same probative force as the original document would have had if it had been proven in the ordinary way.

(4) No person shall hinder or interfere with any person doing Compliance anything that he is authorized by this section to do or shall prevent or attempt to prevent any person doing any such thing, and notwithstanding any other law to the contrary, every person shall, unless he is unable to do so, do everything he is required by this section to do.

(5) Any officer or employee in the Ministry of Revenue who is Administration authorized by the Minister may administer oaths and take and receive affidavits, declarations and affirmations for the purposes of or incidental to the administration or enforcement of this Act, and every person so authorized has, in respect of any such oath. affidavit, declaration or affirmation, all the powers of a commissioner for taking affidavits.

## **17.**—(1) The Minister may make regulations.

Regulations

- (a) prescribing any form, notification or statement to be prescribed or that is required by this Act or that, in his opinion, will assist in the administration of this Act, and prescribing how and by whom any form, notification or statement shall be completed and what information it shall contain and requiring any information to be verified by statutory declaration:
- (b) prescribing classes of persons to be eligible persons who reside in a premises that is not a housing unit;
- (c) prescribing by class or type the kinds of institutions that are not housing units:
- (d) providing for the payment of interest where no grant was payable or on over-payments of a grant and prescribing the rate of interest payable thereon;
- (e) prescribing the manner in which occupancy costs shall be attributed for the purposes of subsection 2 of section 4.
- (2) The Lieutenant Governor in Council may make regula- Idem tions.
  - (a) prescribing the evidence to be furnished to the Minister to establish facts relevant to the entitlement of any person to receive a grant and to establish the amount of such grant;
  - (b) authorizing a designated officer or class of officers employed by the Government of Ontario to exercise powers or perform duties of the Minister under this Act;

- (c) prescribing the manner in which any amount required by this Act to be deducted and retained out of any grant shall be so deducted and retained;
- (d) prescribing any amount greater than the amount set out in clause a of subsection 2 of section 2 or set out in section 7;
- (e) prescribing the conditions of eligibility to any grant payable under this Act;
- (f) defining any word or expression for the purposes of this Act and the regulations that has not already been expressly defined in this Act;
- (g) prescribing any condition that an applicant must meet prior to receiving a grant;
- (h) prescribing any matter required by this Act to be prescribed by the regulations.

Retroactivity (3) A regulation is, if it so provides, effective with reference to a period before it was filed.

Moneys required for Act 18. The moneys required for the purposes of this Act shall, until the 31st day of March, 1981, be paid out of the Consolidated Revenue Fund and thereafter shall be paid out of the moneys appropriated therefor by the Legislature.

Repeal

19.—(1) The Municipal and School Tax Credit Assistance Act, being chapter 285 of the Revised Statutes of Ontario, 1970, is repealed.

Proviso

(2) Notwithstanding subsection 1, subsections 3, 4, 5 and 6 of section 2 of *The Municipal and School Tax Credit Assistance Act* continue to apply in respect of any credit or refund allowed under that Act before the 1st day of January, 1981.

Commencement 20.—(1) This Act, except section 19, comes into force on the 1st day of July, 1980.

Idem

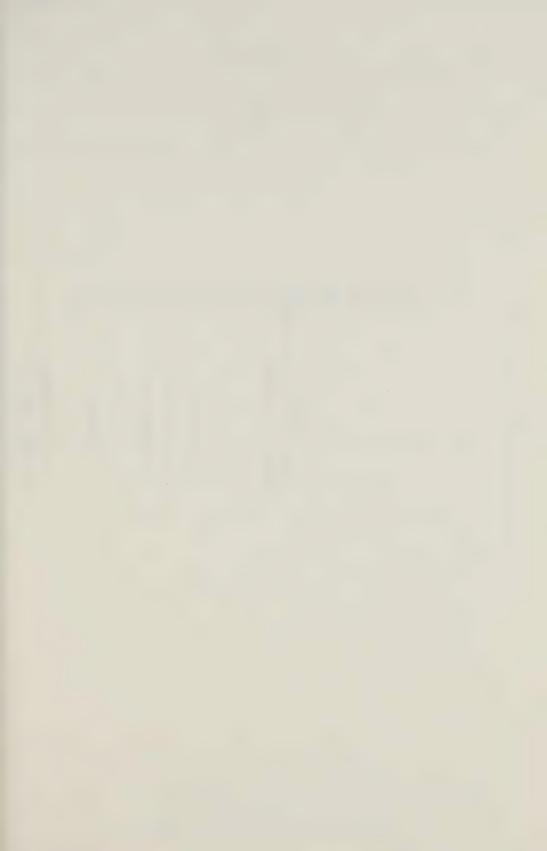
(2) Section 19 comes into force on the 1st day of January, 1981.

Short title

**21.** The short title of this Act is The Ontario Pensioners Property Tax Assistance Act, 1980.







An Act to provide Property Tax Assistance for Pensioners in Ontario

1st Reading April 22nd, 1980

2nd Reading June 16th, 1980

3rd Reading June 17th, 1980

THE HON. F. S. MILLER
Treasurer of Ontario and Minister
of Economics

FBILL 49

Government Bill

4TH SESSION, 31ST LEGISLATURE, ONTARIO
29 ELIZABETH II, 1980 Y Legislahur Assu

An Act to authorize the Raising of Money on the Credit of the Consolidated Revenue Fund

The Hon. F. S. MILLER
Treasurer of Ontario and Minister of Economics

#### EXPLANATORY NOTE

The purpose of the Bill is to provide authority for borrowing moneys for the Consolidated Revenue Fund. The principal borrowings authorized under *The Ontario Loan Act* in recent years have been:

- 1. Borrowings from the Canada Pension Plan.
- 2. The Ontario Treasury Bill program.
- 3. CMHC Waste Control Loans.
- 4. Federal-Provincial-Municipal Loan programs.

The amount of \$1.8 billion authorized by the Bill is intended to cover the following estimated borrowing requirements:

- 1. Canada Pension Plan borrowings.
- 2. CMHC Waste Control loans.
- 3. Teachers' Superannuation Fund borrowings.

The Bill provides that any unused borrowing authority will expire on September  $30\mathrm{th},\ 1981.$ 

BILL 49

1980

# An Act to authorize the Raising of Money on the Credit of the Consolidated Revenue Fund

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.**—(1) The Lieutenant Governor in Council is hereby Loans up to authorized to raise from time to time by way of loan in any manner  $^{\$1,800,000,000}$ provided by The Financial Administration Act such sum or sums R.S.O. 1970, of money as are considered necessary for discharging any indebtedness or obligation of Ontario, for making any payments authorized or required by any Act to be made out of the Consolidated Revenue Fund or for reimbursing the Consolidated Revenue Fund for any moneys expended for any of such purposes, provided that the principal amount of any securities issued and temporary loans raised under the authority of this Act shall not exceed in the aggregate \$1,800,000,000.

- (2) The sum of money authorized to be raised by subsection 1 Idem for the purposes mentioned therein shall include the principal amounts of Province of Ontario debentures issued to the Teachers' Superannuation Fund under authority of The Teachers' Superan- R.S.O. 1970. nuation Act and to the Ontario Municipal Employees Retirement cc. 455, 324 Fund under authority of The Ontario Municipal Employees Retirement System Act, but shall be in addition to all sums of money authorized to be raised by way of loan under any other Act.
- 2. No money shall be raised by way of loan under subsection 1 Limitation of section 1 except to the extent authorized by order of the Lieutenant Governor in Council made prior to the 30th day of September, 1981.
- 3. This Act comes into force on the day it receives Royal Commence-Assent.
  - 4. The short title of this Act is The Ontario Loan Act, 1980. Short title

An Act to authorize the Raising of Money on the Credit of the Consolidated Revenue Fund

1st Reading April 22nd, 1980

2nd Reading

3rd Reading

The Hon. F. S. Miller
Treasurer of Ontario and Minister
of Economics

(Government Bill)

4TH SESSION, 31ST LEGISLATURE, ONTARIO 29 ELIZABETH II, 1980

An Act to authorize the Raising of Money on the Credit of the Consolidated Revenue Fund

THE HON. F. S. MILLER
Treasurer of Ontario and Minister of Economics





BILL 49 1980

## An Act to authorize the Raising of Money on the Credit of the Consolidated Revenue Fund

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1.—(1) The Lieutenant Governor in Council is hereby Loans up to authorized to raise from time to time by way of loan in any manner \$1,800,000,000 provided by *The Financial Administration Act* such sum or sums R.S.O. 1970, of money as are considered necessary for discharging any indebtedness or obligation of Ontario, for making any payments authorized or required by any Act to be made out of the Consolidated Revenue Fund or for reimbursing the Consolidated Revenue Fund for any moneys expended for any of such purposes, provided that the principal amount of any securities issued and temporary loans raised under the authority of this Act shall not exceed in the aggregate \$1,800,000,000.
- (2) The sum of money authorized to be raised by subsection 1 Idem for the purposes mentioned therein shall include the principal amounts of Province of Ontario debentures issued to the Teachers' Superannuation Fund under authority of *The Teachers' Superan-R.S.O.* 1970, nuation Act and to the Ontario Municipal Employees Retirement Fund under authority of *The Ontario Municipal Employees Retirement System Act*, but shall be in addition to all sums of money authorized to be raised by way of loan under any other Act.
- 2. No money shall be raised by way of loan under subsection 1 Limitation of section 1 except to the extent authorized by order of the Lieutenant Governor in Council made prior to the 30th day of September, 1981.
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  - 4. The short title of this Act is The Ontario Loan Act, 1980. Short title

An Act to authorize the Raising of Money on the Credit of the Consolidated Revenue Fund

1st Reading
April 22nd, 1980

2nd Reading
June 3rd, 1980

3rd Reading

June 3rd, 1980

THE HON. F. S. MILLER
Treasurer of Ontario and Minister
of Economics

Publications

BRA

4TH SESSION, 31ST LEGISLATURE, ONTARIO
29 ELIZABETH II, 1980

An Act to provide Incentives for the Exploration of Mineral Resources in Ontario

THE HON. F. S. MILLER
Treasurer of Ontario and Minister of Economics



#### EXPLANATORY NOTE

The purpose of the Bill is to encourage exploration for mineral resources within Ontario. The incentives provided for by the Bill apply only to exploration and not to development or production activities. It will encourage individual investors and those not principally engaged in mineral activities to become involved in financing mining exploration and to receive substantially the same after-tax treatment as that available to companies having integrated mining activities with sufficient mineral related income against which to claim exploration expenses.

The program proposed in the Bill will be administered by the Ministry of Natural Resources. It will expand upon the existing Mineral Exploration Assistance Program and will gradually replace it by the end of the current fiscal year. Ancillary amendments are proposed to be made to *The Small Business Development Corporations Act*, 1979 to remove exploration, development and production of mineral resources as an eligible investment for small business development corporations under that Act. Exploration for oil and gas will not be included under either program.

Among the major provisions of the Bill are the following:

- 1. Individuals are eligible to apply for a grant, and corporations for a tax credit, to reimburse them up to 25 per cent of eligible exploration expenses incurred in a designated mineral exploration program within Ontario. (Section 3.)
- 2. The types of exploration expenses that are eligible under this program are those generally incurred as part of an exploration program. The types of expenses covered will be prescribed by regulation.
- 3. To be eligible, exploration expense under this program must relate to a "designated program of mineral exploration". The Minister of Natural Resources is authorized to designate, upon application, those mineral exploration programs within Ontario that are eligible to participate under this Program. An exploration program will be designated only if the person undertaking it is not actively engaged in mineral production. (Section 2.)
- 4. At the time each mineral exploration program is designated by the Minister, the total amount of grants and tax credits that may be given by the Minister for exploration work on the particular program will be established. (Section 2 (5).)
- 5. Where a corporation obtains a tax credit, the tax credit may be carried forward indefinitely. In addition, where the corporation is principally engaged in mineral exploration, the corporation may apply within one year of the end of its tax year, to surrender the amount of its outstanding tax credit and to obtain a grant of money in lieu of claiming the tax credit. (Section 3 (5, 6).)
- 6. Where the program of mineral exploration is undertaken by a limited partnership or similar joint venture, a single application must be made on behalf of all persons claiming grants or tax credits. The grants and tax credits may be claimed by and given to only the persons composing the limited partnership. (Section 5 (2).)

- 7. Where persons, by reason of incurring eligible exploration expenses, are entitled to a grant or a tax credit in excess of the maximum limit established by the Minister at the time of designation, the grants and tax credits will be apportioned *pro rata* on the basis of the amount of money actually contributed by each person to the exploration program. (Section 5 (4).)
- 8. An application for a grant or a tax credit must be accompanied by invoices, financial statements or records setting out the amounts of money actually spent on eligible exploration expenses. All such programs are subject to audit and spot inspection both during and after the program of exploration. (Sections 4 (1) and 12.)
- 9. A grant or tax credit entitlement may not be assigned. (Section 6.)
- Exploration activities related to oil and gas, mineral aggregates (sand, gravel, stone), gypsum, salt and associated minerals will not qualify for assistance under this program.
- 11. The Bill provides for an objection to be made by an applicant where a grant or tax credit is not made or is made in a lesser amount than the applicant believes he is entitled to. The decision of the Minister is final on questions of fact. A right of appeal is given from the decision of the Minister where the decision involves the interpretation of a provision of the Act, or involves an issue solely of law.

BILL50 1980

# An Act to provide Incentives for the Exploration of Mineral Resources in Ontario

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

#### 1.—(1) In this Act,

Interpretation

- (a) "applicant" means a person who has applied for a grant or a tax credit under this Act;
- (b) "application" means an application for a grant or a tax credit under this Act;
- (c) "associate", where used to indicate a relationship with any person, means,
  - (i) any corporation of which such person beneficially owns, directly or indirectly, equity shares carrying more than 10 per cent of the voting rights attached to all equity shares of the corporation for the time being outstanding,
  - (ii) any partner of that person or corporation,
  - (iii) any trust or estate in which such person or corporation has, in the opinion of the Minister, a substantial beneficial interest or as to which such person or corporation serves as trustee or in a similar capacity,
  - (iv) any spouse, parent, son or daughter, brother or sister of that person, or
  - (v) any relative of such person or of his spouse, other than a relative referred to in subclause iv, who has the same home as such person;
- (d) "designated program of mineral exploration" means a program of mineral exploration in Ontario designated by the Minister under section 2;

- (e) "eligible exploration expense" means a prescribed exploration expense incurred in a designated program of mineral exploration and paid in the year in respect of which the application is made;
- (f) "equity share" means any share of any class of shares of a corporation carrying voting rights under all circumstances and any share of any class of shares carrying voting rights by reason of the occurrence of any contingency that has occurred and is continuing;
- (g) "maximum grant limit" means the maximum aggregate amount of grants and tax credits in respect of a designated program of mineral exploration set by the Minister under subsection 5 of section 2;
- (h) "mineral exploration" means prospecting or exploring for a mineral resource;
- (i) "mineral resource" means a base or precious metal deposit, a coal deposit or such other minerals as may be prescribed;
- (j) "Minister" means the Minister of Natural Resources or such other member of the Executive Council to whom the administration of this Act is assigned;
- (k) "Ministry" means the Ministry of the Minister;
- (l) "person" means,
  - (i) an individual, partnership or limited partnership,
  - (ii) an unincorporated association, syndicate or organization,
  - (iii) a trust, trustee, executor, administrator or other legal representative, or
  - (iv) a corporation;
- (m) "prescribed" means prescribed by the regulations;
- (n) "regulations" means the regulations made under this Act.

(2) In calculating the total number of equity shares that a corporation beneficially owned or controlled, for the purpose of this Act, the total number shall be calculated as the total of all the

Calculation of total number of equity shares shares actually owned or controlled, but each share that carries the right to more than one vote shall be calculated as the number of shares equalling the total number of votes carried.

2.—(1) In each year, a person who proposes to carry out a Designation program of mineral exploration in Ontario may apply to have the of mineral program designated by the Minister under this Act and the exploration Minister, subject to such terms and conditions as may be prescribed, may in his discretion designate such a program for the purposes of this Act.

(2) A designation under subsection 1 shall not be made by the Where Minister where the person who applies for designation is,

made

- (a) actively engaged in mineral production; or
- (b) an associate of any person who is actively engaged in mineral production.
- (3) No program of mineral exploration that commenced prior to Idem the coming into force of this Act shall be designated under subsection 1.
- (4) A designation under subsection 1 shall be for a stated period Period of of time and the designation shall expire at the end of the period of designation time stated, but the period of time for which a mineral exploration program is designated may, upon request, be extended by the Minister.

(5) At the time the Minister designates a program of mineral Maximum exploration under subsection 1, the Minister shall establish a or tax credit maximum grant limit applicable to the program for the year.

3.—(1) Upon application by a person in the form prescribed by Application the Minister, the Minister may, subject to the provisions of this payment of Act, pay a grant to any person who is not a corporation and who, grant

- (a) is ordinarily resident in Ontario; and
- (b) is not actively engaged in mineral production and is not an associate of any person actively engaged in mineral production,

in an amount equal to 25 per cent of the eligible exploration expenses incurred by such person.

(2) Upon application made in the form prescribed by the Certificate Minister by a corporation that is not actively engaged in mineral to tax credit production and is not an associate of any person actively engaged in mineral production, the Minister may issue a certificate in the

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prescribed form that such corporation is entitled to a tax credit in an amount equal to 25 per cent of the eligible exploration expenses incurred by the corporation and thereupon the corporation may deduct from the tax otherwise payable by it under Part II of *The Corporations Tax Act*, 1972 the amount of the tax credit to which it is so entitled.

Pension funds (3) A pension fund with 10 per cent or more of its contributors resident in Ontario that meets the prescribed terms and conditions shall be deemed to be a person ordinarily resident in Ontario.

Grants to corporations 1976, c. 62

(4) Notwithstanding subsection 1, a corporation incorporated as a credit union or caisse populaire under *The Credit Unions and Caisses Populaires Act*, 1976 or a predecessor of that Act, and such other corporations as may be prescribed, may apply for and receive a grant under subsection 1 in lieu of a tax credit under subsection 2.

Carry forward of tax credit (5) The unused portion of a tax credit obtained under subsection 2 may be carried forward by the corporation and deducted from the tax otherwise payable by the taxpayer under Part II of *The Corporations Tax Act*, 1972 in subsequent taxation years.

Payment of grant in lieu of carry forward of tax credit (6) Where a corporation is entitled to a tax credit under subsection 2 and the corporation is principally engaged in mineral exploration, the corporation may, in lieu of carrying the tax credit forward under subsection 5, apply to the Minister after the end of its taxation year in which it became entitled to the tax credit for the payment of a grant, and the Minister may pay a grant equal to the amount of the unused tax credit entitlement provided that the application is made within one year of the end of the corporation's taxation year in which it became entitled to the tax credit.

Supporting material

- **4.**—(1) An application for any grant or tax credit under subsection 1 or 2 of section 3 shall be accompanied by,
  - (a) invoices and financial statements or records setting out the amounts of money actually spent on eligible exploration expenses; and
  - (b) such additional information as the Minister may prescribe.

Copy of tax credit certificate to Minister of Revenue (2) Where a tax credit certificate is issued by the Minister under subsection 2 of section 3, the Minister shall at the same time send a duplicate of such certificate to the Minister of Revenue.

Where tax credit claimed (3) Where a corporation claims a tax credit under subsection 2 of section 3, the annual return required under section 145 of *The Corporations Tax Act*, 1972, in which the credit is claimed, shall

be accompanied by a copy of the certificate of the Minister issued under subsection 2 of section 3 setting out the amount of the tax credit to which the corporation is entitled.

**5.**—(1) Only one application for a grant or tax credit available One under section 3 shall be made for each designated program of application only mineral exploration unless otherwise agreed to by the Minister at the time the program is designated.

(2) Where a designated program of mineral exploration is Partnership. undertaken by or on behalf of a partnership, limited partnership or similar joint venture, the application shall be made on behalf of or joint venture all such persons, and any grant or tax credit shall be available only to the persons who compose such partnership, limited partnership or joint venture calculated on the basis of the amount of money actually contributed and spent by or on behalf of each such person on eligible exploration expenses.

(3) The aggregate amount of grants and tax credits that may be Maximum given by the Minister under section 3 in respect of any designated not to be program of mineral exploration shall not exceed the maximum exceeded grant limit in any year.

(4) Where an application under section 3 is made on behalf of Pro-rating more than one person and the amount of eligible exploration expenses entitles such persons to apply for grants or tax credits in an aggregate amount greater than the maximum grant limit, the Minister shall pro-rate the amounts of the grants among those persons eligible under subsections 1 and 4 of section 3 and the amounts of the tax credits among those persons eligible under subsection 2 of section 3 on the basis of the amount of money actually contributed and spent on eligible exploration expenses by such persons so that the aggregate of the grants paid and tax credits earned does not exceed the maximum grant limit.

(5) No grant may be paid or tax credit made available under Limitation section 3 by the Minister unless an application therefor has been application received by the Minister within six months of the expiry of the designation under subsection 4 of section 2.

6. A grant or tax credit entitlement under this Act shall not be Grant or assigned, charged, attached, anticipated or given as security, and not any transaction purporting to assign, charge, attach, anticipate or assignable give as security a grant or entitlement to a tax credit is void.

7.—(1) The Minister upon receiving an application for a grant Consideration or tax credit under section 3 shall forthwith consider the application by Minister tion, and he may,

- (a) approve payment of a grant or claim to a tax credit and determine the amount thereof that may be paid or claimed by the applicant; or
- (b) determine that no grant may be paid or tax credit claimed by the applicant.

Notification of Minister's decision (2) Where particulars of the basis on which the amount of any grant that may be paid or tax credit that may be claimed by the applicant was determined by the Minister are requested by the applicant, or where the Minister determines that no grant may be paid or tax credit claimed by the applicant, the Minister shall forthwith, in writing, notify the applicant of the basis upon which the amount was determined or of the basis upon which his determination was reached that no grant may be paid or tax credit entitlement claimed and shall notify the applicant of his right to object under this section.

Objection by applicant

(3) Where an applicant is dissatisfied with the determination of the Minister under subsection 1 or with the decision of the Minister under subsection 2, he may object to the determination or decision and within sixty days from the date of the notice of such determination or decision by the Minister, serve on the Minister a notice of objection in the prescribed form setting out the reasons for the objection and all relevant facts.

Notice

(4) Notice of objection under this section shall be served by being sent by registered mail addressed to the Minister, but the Minister may accept a notice of objection under this section, notwithstanding that it was not served in the manner required.

Minister to

(5) Upon receipt of the notice of objection, the Minister shall forthwith reconsider the determination or decision objected to and confirm, vary or reverse such determination or decision, and he shall thereupon notify the person making the objection of his action by registered mail.

Minister's decision final (6) A decision of the Minister under subsection 5 is final and is not subject to appeal except where the decision involves the interpretation of a provision of this Act, or involves an issue solely of law.

Appeal on question of law **8.** In any dispute over a determination or decision of the Minister under subsection 5 of section 7, the Minister may, where the dispute involves the interpretation of a provision of this Act, or involves an issue solely of law in which no facts are in dispute, or involves the proper inference to be drawn from facts that are not in dispute, agree in writing with the disputing party as to the undisputed facts and thereafter apply to the Supreme Court to have the issue in dispute determined, and if the Minister does not make the

application within six weeks of the date upon which the undisputed facts have been agreed upon in writing, the other party to the dispute may apply to the court to have the issue determined.

9.—(1) Except as provided in subsections 2 and 3, all informa- Information tion obtained under this Act by any officer, employee or agent of the Ministry is privileged and confidential, and no such officer, employee or agent shall knowingly communicate or allow to be communicated to any person not legally entitled thereto any such information, or allow any person not legally entitled to do so to inspect or have access to any statement or other writing containing such information.

- (2) Any information referred to in subsection 1 that is obtained Exceptions by an officer, employee or agent of the Ministry in the administration of this Act may be communicated to any officer or employee of the Department of National Revenue of the Government of Canada, or of the Ministry of Revenue or of the Ministry of Treasury and Economics of the Government of Ontario.
- (3) Notwithstanding subsection 1, the Minister may publish Idem particulars of any designated program of mineral exploration a year or more after such designation expires.
- **10.**—(1) Where a person receives or obtains a grant or a tax Repayment credit under this Act to which he is not entitled or the payment of tax credit an amount in excess of the grant or tax credit to which he is where not entitled entitled, he shall forthwith return,

- (a) to the Minister in the case of a grant; or
- (b) to the Minister of Revenue, in the case of a tax credit,

such grant or excess amount of grant or such tax credit that has been claimed or excess amount of tax credit claimed, as the case may be.

(2) Where a person receives or obtains the payment of a grant or Idem claims a tax credit to which he is not entitled or the payment or claim of an amount in excess of the grant or tax credit to which he is entitled, the amount or excess amount, as the case may be, may be recovered in any court of competent jurisdiction as a debt due to the Crown in proceedings commenced at any time, and where applicable, the amount of any such indebtedness may be recovered in the manner provided for in The Financial Administra- R.S.O. 1970, tion Act or The Corporations Tax Act, 1972.

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### 11.—(1) Every person who,

Offence

(a) knowingly, makes a false or misleading statement in an application or statement required or permitted by this Act, and who does so for the purpose of obtaining a grant or tax credit under this Act to which he is not entitled or to which a person on whose behalf he is acting is not entitled:

- (b) knowingly, fails to disclose any information that is required to be disclosed and by reason thereof obtains a payment of a grant or entitlement to a tax credit under this Act to which he is not entitled or to which the person on whose behalf he is acting is not entitled;
- (c) knowingly, converts to his own use a payment of a grant or a tax credit entitlement under this Act to which he is not entitled; or
- (d) contravenes section 9 or 12,

is guilty of an offence and on conviction is liable to a fine of not more than \$1,000 or, if such person is a corporation, to a fine of not more than \$10,000.

Limitation

(2) No proceedings in respect of an offence under this Act shall be commenced except within five years of the time when the offence was or is alleged to have been committed.

Corporation

(3) Where a corporation is guilty of an offence under subsection 1, every director or officer thereof who authorized, permitted or acquiesced in the offence is also guilty of an offence and on conviction is liable to a fine of not more than \$1,000.

Investiga-

- 12.—(1) Any person thereunto authorized by the Minister for any purpose related to the administration or enforcement of this Act may at all reasonable times enter into any premises or place where any business or designated program of mineral exploration is carried on or any property is kept or where anything is done in connection with any such business or program of mineral exploration or where any books or records are kept and,
  - (a) audit or examine the books and records and any account, voucher, letter, telegram or other document that relates or may relate to the information that is or should be in the books or records or relative to the amount of a grant that may be paid or a tax credit claimed under this Act;
  - (b) examine any lands or premises related to a designated program of mineral exploration, or any property, process or matter, an examination of which may, in his opinion, assist him in determining the accuracy of any application for a grant or tax credit under this Act or in ascertaining the information that is or should be in the

books or records or in any such application, or the amount of any grant that may be paid or tax credit that may be claimed under this Act;

- (c) require any person on the land or premises to give him all reasonable assistance with his audit or examination and to answer all questions relating to the audit or examination either orally or, if he so requires, in writing, on oath or by statutory declaration and, for that purpose, he may require such person to attend at the premises or place with him; and
- (d) if during the course of any audit or examination it appears to him that there has been a violation of this Act or the regulations, seize and take away any of the records, books, accounts, vouchers, letters, telegrams and other documents and retain them until they are produced in any court proceedings.
- (2) The Minister may, for any purpose relating to the adminis- Production tration or enforcement of this Act, by registered letter or by a and records demand served personally, require from any person any informa- to Minister tion or additional information, or the production, or production on oath, of any books, letters, accounts, invoices, statements (financial or otherwise) or other documents within such reasonable time as is stipulated therein, provided that, in the opinion of the Minister or of the person authorized by him, it is necessary to make the demand in order to determine eligibility or possible eligibility for a grant or tax credit under this Act.

(3) Where a book, record or other document has been seized, Copies of examined or produced under this section, the person by whom it is and records seized or examined or to whom it is produced, or any officer of the Ministry, may make or cause to be made one or more copies thereof, and a document purporting to be certified by the Minister or a person thereunto authorized by the Minister to be a copy made pursuant to this section is admissible in evidence and has the same probative force as the original document would have had if it had been approved in the ordinary way.

(4) No person shall hinder or interfere with any person doing Compliance anything that he is authorized by this section to do or shall prevent or attempt to prevent any person doing any such thing, and notwithstanding any other law to the contrary, every person shall, unless he is unable to do so, do everything he is required by this section to do.

(5) Any officer or employee in the Ministry who is authorized by Administrathe Minister may administer oaths and take and receive affidavits, oaths declarations and affirmations for the purposes of or incidental to

the administration or enforcement of this Act, and every person so authorized has, in respect of any such oath, affidavit, declaration or affirmation, all the powers of a commissioner for taking affidavits.

Regulations

- **13.**—(1) The Minister may make regulations,
  - (a) prescribing any form, notification, certificate or statement to be prescribed or that is required by this Act or that, in his opinion, will assist in the administration of this Act, and prescribing how and by whom any form, notification, certificate or statement shall be completed and what information it shall contain and requiring any information to be verified by statutory declaration;
  - (b) providing for the payment of interest where no grant was payable or tax credit permitted or on overpayments of a grant or claims of tax credit and prescribing the rate of interest payable thereon.

Idem

- (2) The Lieutenant Governor in Council may make regulations,
  - (a) prescribing the evidence to be furnished to the Minister to establish facts relevant to the entitlement of any person to receive a grant or tax credit and to establish the amount of such grant or tax credit;
  - (b) authorizing a designated officer or class of officers employed by the Government of Ontario to exercise powers or perform duties of the Minister under this Act;
  - (c) prescribing any matter required by this Act to be prescribed by the regulations;
  - (d) prescribing a ceiling on the maximum grant limit that may be established by the Minister under subsection 5 of section 2;
  - (e) defining any word or expression for the purposes of this Act and the regulations that has not already been expressly defined in this Act;
  - (f) prescribing the conditions of eligibility to any grant or tax credit available under this Act.

Retroactivity

(3) A regulation is, if it so provides, effective with reference to a period before it was filed.

- **14.** This Act comes into force on a day to be named by procla-Commencemation of the Lieutenant Governor.
- 15. The short title of this Act is The Ontario Mineral Short title Exploration Program Act, 1980.

An Act to provide Incentives for the Exploration of Mineral Resources in Ontario

1st Reading April 22nd, 1980

2nd Reading

3rd Reading

THE HON. F. S. MILLER
Treasurer of Ontario and Minister
of Economics

(Government Bill)

4TH SESSION, 31ST LEGISLATURE, ONTARIO
29 ELIZABETH II, 1980

An Act to provide Incentives for the Exploration of Mineral Resources in Ontario

THE HON. F. S. MILLER
Treasurer of Ontario and Minister of Economics



(Reprinted as amended by the Committee of the Whole House)

#### EXPLANATORY NOTE

The purpose of the Bill is to encourage exploration for mineral resources within Ontario. The incentives provided for by the Bill apply only to exploration and not to development or production activities. It will encourage individual investors and those not principally engaged in mineral activities to become involved in financing mining exploration and to receive substantially the same after-tax treatment as that available to companies having integrated mining activities with sufficient mineral related income against which to claim exploration expenses.

The program proposed in the Bill will be administered by the Ministry of Natural Resources. It will expand upon the existing Mineral Exploration Assistance Program and will gradually replace it by the end of the current fiscal year. Ancillary amendments are proposed to be made to *The Small Business Development Corporations Act*, 1979 to remove exploration, development and production of mineral resources as an eligible investment for small business development corporations under that Act. Exploration for oil and gas will not be included under either program.

Among the major provisions of the Bill are the following:

- 1. Individuals are eligible to apply for a grant, and corporations for a tax credit, to reimburse them up to 25 per cent of eligible exploration expenses incurred in a designated mineral exploration program within Ontario. (Section 3.)
- The types of exploration expenses that are eligible under this program are those generally incurred as part of an exploration program. The types of expenses covered will be prescribed by regulation.
- 3. To be eligible, exploration expense under this program must relate to a "designated program of mineral exploration". The Minister of Natural Resources is authorized to designate, upon application, those mineral exploration programs within Ontario that are eligible to participate under this Program. An exploration program will be designated only if the person undertaking it is not actively engaged in mineral production in Ontario. (Section 2.)
- 4. At the time each mineral exploration program is designated by the Minister, the total amount of grants and tax credits that may be given by the Minister for exploration work on the particular program will be established. (Section 2 (5).)
- 5. Where a corporation obtains a tax credit, the tax credit may be carried forward indefinitely. In addition, where the corporation is principally engaged in mineral exploration, the corporation may apply within one year of the end of its tax year, to surrender the amount of its outstanding tax credit and to obtain a grant of money in lieu of claiming the tax credit. (Section 3 (5, 6).)
- 6. Where the program of mineral exploration is undertaken by a limited partnership or similar joint venture, a single application must be made on behalf of all persons claiming grants or tax credits. The grants and tax credits may be claimed by and given to only the persons composing the limited partnership. (Section 5 (2).)

- 7. Where persons, by reason of incurring eligible exploration expenses, are entitled to a grant or a tax credit in excess of the maximum limit established by the Minister at the time of designation, the grants and tax credits will be apportioned *pro rata* on the basis of the amount of money actually contributed by each person to the exploration program. (Section 5 (4).)
- 8. An application for a grant or a tax credit must be accompanied by invoices, financial statements or records setting out the amounts of money actually spent on eligible exploration expenses. All such programs are subject to audit and spot inspection both during and after the program of exploration. (Sections 4 (1) and 12.)
- 9. A grant or tax credit entitlement may not be assigned. (Section 6.)
- 10. Exploration activities related to oil and gas, mineral aggregates (sand, gravel, stone), gypsum, salt and associated minerals will *not* qualify for assistance under this program.
- 11. The Bill provides for an objection to be made by an applicant where a grant or tax credit is not made or is made in a lesser amount than the applicant believes he is entitled to. The decision of the Minister is final on questions of fact. A right of appeal is given from the decision of the Minister where the decision involves the interpretation of a provision of the Act, or involves an issue solely of law.



# An Act to provide Incentives for the Exploration of Mineral Resources in Ontario

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

### 1.—(1) In this Act,

Interpretation

- (a) "applicant" means a person who has applied for a grant or a tax credit under this Act;
- (b) "application" means an application for a grant or a tax credit under this Act;
- (c) "associate", where used to indicate a relationship with any person, means,
  - (i) any corporation of which such person beneficially owns, directly or indirectly, equity shares carrying more than 10 per cent of the voting rights attached to all equity shares of the corporation for the time being outstanding,
  - (ii) any partner of that person or corporation,
  - (iii) any trust or estate in which such person or corporation has, in the opinion of the Minister, a substantial beneficial interest or as to which such person or corporation serves as trustee or in a similar capacity,
  - (iv) any spouse, parent, son or daughter, brother or sister of that person, or
  - (v) any relative of such person or of his spouse, other than a relative referred to in subclause iv, who has the same home as such person;
- (d) "designated program of mineral exploration" means a program of mineral exploration in Ontario designated by the Minister under section 2;

- (e) "eligible exploration expense" means a prescribed exploration expense incurred in a designated program of mineral exploration and paid in the year in respect of which the application is made;
- (f) "equity share" means any share of any class of shares of a corporation carrying voting rights under all circumstances and any share of any class of shares carrying voting rights by reason of the occurrence of any contingency that has occurred and is continuing;
- (g) "maximum grant limit" means the maximum aggregate amount of grants and tax credits in respect of a designated program of mineral exploration set by the Minister under subsection 5 of section 2;
- (h) "mineral exploration" means prospecting or exploring for a mineral resource;
- (i) "mineral resource" means a base or precious metal deposit, a coal deposit or such other minerals as may be prescribed;
- (j) "Minister" means the Minister of Natural Resources or such other member of the Executive Council to whom the administration of this Act is assigned;
- (k) "Ministry" means the Ministry of the Minister;
- (l) "person" means,
  - (i) an individual, partnership or limited partnership,
  - (ii) an unincorporated association, syndicate or organization,
  - (iii) a trust, trustee, executor, administrator or other legal representative, or
  - (iv) a corporation;
- (m) "prescribed" means prescribed by the regulations;
- (n) "regulations" means the regulations made under this Act.

(2) In calculating the total number of equity shares that a corporation beneficially owned or controlled, for the purpose of this Act, the total number shall be calculated as the total of all the

Calculation of total number of equity shares shares actually owned or controlled, but each share that carries the right to more than one vote shall be calculated as the number of shares equalling the total number of votes carried.

(3) In determining whether one corporation is affiliated with Application another corporation, subsections 2, 4 and 5 of section 1 of The 1979, c. 22, Small Business Development Corporations Act, 1979 apply

2.—(1) In each year, a person who proposes to carry out a Designation program of mineral exploration in Ontario may apply to have the of mineral program designated by the Minister under this Act and the exploration Minister, subject to such terms and conditions as may be prescribed, may in his discretion designate such a program for the purposes of this Act.

(2) A designation under subsection 1 shall not be made by the Where designation Minister where the person who applies for designation is,

not to be

- (a) actively engaged in mineral production in Ontario; or
  - (b) an affiliated corporation or an associate of any person who is actively engaged in mineral production in Ontario.
- (3) No program of mineral exploration that commenced prior to Idem the coming into force of this Act shall be designated under subsection 1.
- (4) A designation under subsection 1 shall be for a stated period Period of of time and the designation shall expire at the end of the period of designation time stated, but the period of time for which a mineral exploration program is designated may, upon request, be extended by the Minister.

(5) At the time the Minister designates a program of mineral Maximum exploration under subsection 1, the Minister shall establish a or tax credit maximum grant limit applicable to the program for the year.

3.—(1) Upon application by a person in the form prescribed by Application the Minister, the Minister may, subject to the provisions of this payment of Act, pay a grant to any person who is not a corporation and who, grant

is ordinarily resident in Canada; and

(b) is not actively engaged in mineral production in Ontario and is not an affiliated corporation or an associate of any person actively engaged in mineral production in Ontario,

in an amount equal to 25 per cent of the eligible exploration expenses incurred by such person.

Certificate of entitlement to tax credit (2) Upon application made in the form prescribed by the Minister by a corporation that is not actively engaged in mineral production in Ontario and is not an affiliated corporation or an associate of any person actively engaged in mineral production in Ontario, the Minister may issue a certificate in the prescribed form that such corporation is entitled to a tax credit in an amount equal to 25 per cent of the eligible exploration expenses incurred by the corporation and thereupon the corporation may deduct from the tax otherwise payable by it under Part II of *The Corporations Tax Act*, 1972 the amount of the tax credit to which it is so entitled.

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Pension funds (3) A pension fund with 10 per cent or more of its contributors resident in Ontario that meets the prescribed terms and conditions shall be deemed to be a person ordinarily resident in Ontario.

Grants to corporations 1976, c. 62

(4) Notwithstanding subsection 1, a corporation incorporated as a credit union or caisse populaire under *The Credit Unions and Caisses Populaires Act*, 1976 or a predecessor of that Act, and such other corporations as may be prescribed, may apply for and receive a grant under subsection 1 in lieu of a tax credit under subsection 2.

Carry forward of tax credit (5) The unused portion of a tax credit obtained under subsection 2 may be carried forward by the corporation and deducted from the tax otherwise payable by the taxpayer under Part II of *The Corporations Tax Act*, 1972 in subsequent taxation years.

Payment of grant in lieu of carry forward of tax credit (6) Where a corporation is entitled to a tax credit under subsection 2 and the corporation is principally engaged in mineral exploration, the corporation may, in lieu of carrying the tax credit forward under subsection 5, apply to the Minister after the end of its taxation year in which it became entitled to the tax credit for the payment of a grant, and the Minister may pay a grant equal to the amount of the unused tax credit entitlement provided that the application is made within one year of the end of the corporation's taxation year in which it became entitled to the tax credit.

Supporting material

- **4.**—(1) An application for any grant or tax credit under subsection 1 or 2 of section 3 shall be accompanied by,
  - (a) financial statements or records setting out the amounts of money actually spent on eligible exploration expenses;
  - (b) such additional information as the Minister may prescribe.

(2) Where a tax credit certificate is issued by the Minister under Copy of subsection 2 of section 3, the Minister shall at the same time send a certificate duplicate of such certificate to the Minister of Revenue.

(3) Where a corporation claims a tax credit under subsection 2 Where tax of section 3, the annual return required under section 145 of *The* claimed Corporations Tax Act, 1972, in which the credit is claimed, shall 1972, c. 143 be accompanied by a copy of the certificate of the Minister issued under subsection 2 of section 3 setting out the amount of the tax credit to which the corporation is entitled.

5.—(1) Only one application for a grant or tax credit available One under section 3 shall be made for each designated program of application only mineral exploration unless otherwise agreed to by the Minister at the time the program is designated.

(2) Where a designated program of mineral exploration is Partnership. undertaken by or on behalf of a partnership, limited partnership or similar joint venture, the application shall be made on behalf of or joint venture all such persons, and any grant or tax credit shall be available only to the persons who compose such partnership, limited partnership or joint venture calculated on the basis of the amount of money actually contributed and spent by or on behalf of each such person on eligible exploration expenses.

(3) The aggregate amount of grants and tax credits that may be Maximum given by the Minister under section 3 in respect of any designated not to be program of mineral exploration shall not exceed the maximum exceeded grant limit in any year.

(4) Where an application under section 3 is made on behalf of pro-rating more than one person and the amount of eligible exploration expenses entitles such persons to apply for grants or tax credits in an aggregate amount greater than the maximum grant limit, the Minister shall pro-rate the amounts of the grants among those persons eligible under subsections 1 and 4 of section 3 and the amounts of the tax credits among those persons eligible under subsection 2 of section 3 on the basis of the amount of money actually contributed and spent on eligible exploration expenses by such persons so that the aggregate of the grants paid and tax credits earned does not exceed the maximum grant limit.

(5) No grant may be paid or tax credit made available under Limitation on time for section 3 by the Minister unless an application therefor has been application received by the Minister within six months of the expiry of the designation under subsection 4 of section 2.

6. A grant or tax credit entitlement under this Act shall not be Grant or assigned, charged, attached, anticipated or given as security, and not

any transaction purporting to assign, charge, attach, anticipate or give as security a grant or entitlement to a tax credit is void.

Consideration of application by Minister

- **7.**—(1) The Minister upon receiving an application for a grant or tax credit under section 3 shall forthwith consider the application, and he may,
  - (a) approve payment of a grant or claim to a tax credit and determine the amount thereof that may be paid or claimed by the applicant; or
  - (b) determine that no grant may be paid or tax credit claimed by the applicant.

Notification of Minister's decision (2) Where particulars of the basis on which the amount of any grant that may be paid or tax credit that may be claimed by the applicant was determined by the Minister are requested by the applicant, or where the Minister determines that no grant may be paid or tax credit claimed by the applicant, the Minister shall forthwith, in writing, notify the applicant of the basis upon which the amount was determined or of the basis upon which his determination was reached that no grant may be paid or tax credit entitlement claimed and shall notify the applicant of his right to object under this section.

Objection by applicant

(3) Where an applicant is dissatisfied with the determination of the Minister under subsection 1 or with the decision of the Minister under subsection 2, he may object to the determination or decision and within sixty days from the date of the notice of such determination or decision by the Minister, serve on the Minister a notice of objection in the prescribed form setting out the reasons for the objection and all relevant facts.

Notice

(4) Notice of objection under this section shall be served by being sent by registered mail addressed to the Minister, but the Minister may accept a notice of objection under this section, notwithstanding that it was not served in the manner required.

Minister to reconsider (5) Upon receipt of the notice of objection, the Minister shall forthwith reconsider the determination or decision objected to and confirm, vary or reverse such determination or decision, and he shall thereupon notify the person making the objection of his action by registered mail.

Minister's decision (6) A decision of the Minister under subsection 5 is final and is not subject to appeal except where the decision involves the interpretation of a provision of this Act, or involves an issue solely of law.

8. In any dispute over a determination or decision of the Appeal on Minister under subsection 5 of section 7, the Minister may, where of law the dispute involves the interpretation of a provision of this Act, or involves an issue solely of law in which no facts are in dispute, or involves the proper inference to be drawn from facts that are not in dispute, agree in writing with the disputing party as to the undisputed facts and thereafter apply to the Supreme Court to have the issue in dispute determined, and if the Minister does not make the application within six weeks of the date upon which the undisputed facts have been agreed upon in writing, the other party to the dispute may apply to the court to have the issue determined.

9.—(1) Except as provided in subsections 2 and 3, all informa- Information tion obtained under this Act by any officer, employee or agent of the Ministry is privileged and confidential, and no such officer, employee or agent shall knowingly communicate or allow to be communicated to any person not legally entitled thereto any such information, or allow any person not legally entitled to do so to inspect or have access to any statement or other writing containing such information.

(2) Any information referred to in subsection 1 that is obtained Exceptions by an officer, employee or agent of the Ministry in the administration of this Act may be communicated to any officer or employee of the Department of National Revenue of the Government of Canada, or of the Ministry of Revenue or of the Ministry of Treasury and Economics of the Government of Ontario.

- (3) Notwithstanding subsection 1, the Minister may publish Idem particulars of any designated program of mineral exploration a year or more after such designation expires.
- 10.—(1) Where a person receives or obtains a grant or a tax Repayment credit under this Act to which he is not entitled or the payment of of grant or tax credit an amount in excess of the grant or tax credit to which he is where not entitled entitled, he shall forthwith return,

- (a) to the Minister in the case of a grant; or
- (b) to the Minister of Revenue, in the case of a tax credit,

such grant or excess amount of grant or such tax credit that has been claimed or excess amount of tax credit claimed, as the case may be.

(2) Where a person receives or obtains the payment of a grant or Idem claims a tax credit to which he is not entitled or the payment or claim of an amount in excess of the grant or tax credit to which he is entitled, the amount or excess amount, as the case may be, may

be recovered in any court of competent jurisdiction as a debt due to the Crown in proceedings commenced at any time, and where applicable, the amount of any such indebtedness may be recovered in the manner provided for in *The Financial Administration Act* or *The Corporations Tax Act*, 1972.

R.S.O. 1970, c. 166 1972, c. 143

Offence

#### 11.—(1) Every person who,

- (a) knowingly, makes a false or misleading statement in an application or statement required or permitted by this Act, and who does so for the purpose of obtaining a grant or tax credit under this Act to which he is not entitled or to which a person on whose behalf he is acting is not entitled;
- (b) knowingly, fails to disclose any information that is required to be disclosed and by reason thereof obtains a payment of a grant or entitlement to a tax credit under this Act to which he is not entitled or to which the person on whose behalf he is acting is not entitled;
- (c) knowingly, converts to his own use a payment of a grant or a tax credit entitlement under this Act to which he is not entitled; or
- (d) contravenes section 9 or 12,

is guilty of an offence and on conviction is liable to a fine of not more than \$1,000 or, if such person is a corporation, to a fine of not more than \$10,000.

Limitation

(2) No proceedings in respect of an offence under this Act shall be commenced except within five years of the time when the offence was or is alleged to have been committed.

Corporation

(3) Where a corporation is guilty of an offence under subsection 1, every director or officer thereof who authorized, permitted or acquiesced in the offence is also guilty of an offence and on conviction is liable to a fine of not more than \$1,000.

Investiga-

- 12.—(1) Any person thereunto authorized by the Minister for any purpose related to the administration or enforcement of this Act may at all reasonable times enter into any premises or place where any business or designated program of mineral exploration is carried on or any property is kept or where anything is done in connection with any such business or program of mineral exploration or where any books or records are kept and,
  - (a) audit or examine the books and records and any account, voucher, letter, telegram or other document that relates

or may relate to the information that is or should be in the books or records or relative to the amount of a grant that may be paid or a tax credit claimed under this Act;

- (b) examine any lands or premises related to a designated program of mineral exploration, or any property, process or matter, an examination of which may, in his opinion, assist him in determining the accuracy of any application for a grant or tax credit under this Act or in ascertaining the information that is or should be in the books or records or in any such application, or the amount of any grant that may be paid or tax credit that may be claimed under this Act:
- (c) require any person on the land or premises to give him all reasonable assistance with his audit or examination and to answer all questions relating to the audit or examination either orally or, if he so requires, in writing, on oath or by statutory declaration and, for that purpose, he may require such person to attend at the premises or place with him; and
- (d) if during the course of any audit or examination it appears to him that there has been a violation of this Act or the regulations, seize and take away any of the records, books, accounts, vouchers, letters, telegrams and other documents and retain them until they are produced in any court proceedings.
- (2) The Minister may, for any purpose relating to the adminis- Production tration or enforcement of this Act, by registered letter or by a of documents and records demand served personally, require from any person any informa- to Minister tion or additional information, or the production, or production on oath, of any books, letters, accounts, invoices, statements (financial or otherwise) or other documents within such reasonable time as is stipulated therein, provided that, in the opinion of the Minister or of the person authorized by him, it is necessary to make the demand in order to determine eligibility or possible eligibility for a grant or tax credit under this Act.

(3) Where a book, record or other document has been seized, Copies of examined or produced under this section, the person by whom it is and records seized or examined or to whom it is produced, or any officer of the Ministry, may make or cause to be made one or more copies thereof, and a document purporting to be certified by the Minister or a person thereunto authorized by the Minister to be a copy made pursuant to this section is admissible in evidence and has the same probative force as the original document would have had if it had been approved in the ordinary way.

Compliance

(4) No person shall hinder or interfere with any person doing anything that he is authorized by this section to do or shall prevent or attempt to prevent any person doing any such thing, and notwithstanding any other law to the contrary, every person shall, unless he is unable to do so, do everything he is required by this section to do.

Administration of oaths (5) Any officer or employee in the Ministry who is authorized by the Minister may administer oaths and take and receive affidavits, declarations and affirmations for the purposes of or incidental to the administration or enforcement of this Act, and every person so authorized has, in respect of any such oath, affidavit, declaration or affirmation, all the powers of a commissioner for taking affidavits.

Regulations

- **13.**—(1) The Minister may make regulations,
  - (a) prescribing any form, notification, certificate or statement to be prescribed or that is required by this Act or that, in his opinion, will assist in the administration of this Act, and prescribing how and by whom any form, notification, certificate or statement shall be completed and what information it shall contain and requiring any information to be verified by statutory declaration;
  - (b) providing for the payment of interest where no grant was payable or tax credit permitted or on overpayments of a grant or claims of tax credit and prescribing the rate of interest payable thereon.

Idem

- (2) The Lieutenant Governor in Council may make regulations,
  - (a) prescribing the evidence to be furnished to the Minister to establish facts relevant to the entitlement of any person to receive a grant or tax credit and to establish the amount of such grant or tax credit;
  - (b) authorizing a designated officer or class of officers employed by the Government of Ontario to exercise powers or perform duties of the Minister under this Act;
  - (c) prescribing any matter required by this Act to be prescribed by the regulations;
  - (d) prescribing a ceiling on the maximum grant limit that may be established by the Minister under subsection 5 of section 2;

- (e) defining any word or expression for the purposes of this Act and the regulations that has not already been expressly defined in this Act;
- (f) prescribing the conditions of eligibility to any grant or tax credit available under this Act.
- (3) A regulation is, if it so provides, effective with reference to a Retroactivity period before it was filed.
- **14.** This Act comes into force on a day to be named by procla-Commence-mation of the Lieutenant Governor.
- 15. The short title of this Act is The Ontario Mineral Short title Exploration Program Act, 1980.

An Act to provide Incentives for the Exploration of Mineral Resources in Ontario

1st Reading April 22nd, 1980

2nd Reading
June 3rd, 1980

3rd Reading

THE HON. F. S. MILLER
Treasurer of Ontario and Minister
of Economics

(Reprinted as amended by the Committee of the Whole House)

Publi . .

4TH SESSION, 31ST LEGISLATURE, ONTARIO
29 ELIZABETH II, 1980

An Act to provide Incentives for the Exploration of Mineral Resources in Ontario

THE HON. F. S. MILLER
Treasurer of Ontario and Minister of Economics





BILL 50 1980

# An Act to provide Incentives for the Exploration of Mineral Resources in Ontario

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

### 1.—(1) In this Act,

Interpretation

- (a) "applicant" means a person who has applied for a grant or a tax credit under this Act;
- (b) "application" means an application for a grant or a tax credit under this Act;
- (c) "associate", where used to indicate a relationship with any person, means,
  - (i) any corporation of which such person beneficially owns, directly or indirectly, equity shares carrying more than 10 per cent of the voting rights attached to all equity shares of the corporation for the time being outstanding,
  - (ii) any partner of that person or corporation,
  - (iii) any trust or estate in which such person or corporation has, in the opinion of the Minister, a substantial beneficial interest or as to which such person or corporation serves as trustee or in a similar capacity,
  - (iv) any spouse, parent, son or daughter, brother or sister of that person, or
  - (v) any relative of such person or of his spouse, other than a relative referred to in subclause iv, who has the same home as such person;
- (d) "designated program of mineral exploration" means a program of mineral exploration in Ontario designated by the Minister under section 2;

- (e) "eligible exploration expense" means a prescribed exploration expense incurred in a designated program of mineral exploration and paid in the year in respect of which the application is made;
- (f) "equity share" means any share of any class of shares of a corporation carrying voting rights under all circumstances and any share of any class of shares carrying voting rights by reason of the occurrence of any contingency that has occurred and is continuing;
- (g) "maximum grant limit" means the maximum aggregate amount of grants and tax credits in respect of a designated program of mineral exploration set by the Minister under subsection 5 of section 2;
- (h) "mineral exploration" means prospecting or exploring for a mineral resource;
- (i) "mineral resource" means a base or precious metal deposit, a coal deposit or such other minerals as may be prescribed;
- (j) "Minister" means the Minister of Natural Resources or such other member of the Executive Council to whom the administration of this Act is assigned;
- (k) "Ministry" means the Ministry of the Minister;
- (l) "person" means,
  - (i) an individual, partnership or limited partnership,
  - (ii) an unincorporated association, syndicate or organization,
  - (iii) a trust, trustee, executor, administrator or other legal representative, or
  - (iv) a corporation;
- (m) "prescribed" means prescribed by the regulations;
- (n) "regulations" means the regulations made under this Act.
- (2) In calculating the total number of equity shares that a corporation beneficially owned or controlled, for the purpose of this Act, the total number shall be calculated as the total of all the

shares actually owned or controlled, but each share that carries the right to more than one vote shall be calculated as the number of shares equalling the total number of votes carried.

- (3) In determining whether one corporation is affiliated with Application another corporation, subsections 2, 4 and 5 of section 1 of *The* of 1979, c. 22, Small Business Development Corporations Act, 1979 apply.

  S. 1 (2, 4, 5)
- 2.—(1) In each year, a person who proposes to carry out a Designation program of mineral exploration in Ontario may apply to have the of mineral program designated by the Minister under this Act and the exploration Minister, subject to such terms and conditions as may be prescribed, may in his discretion designate such a program for the purposes of this Act.
- (2) A designation under subsection 1 shall not be made by the Where designation is, Minister where the person who applies for designation is, not to be made
  - (a) actively engaged in mineral production in Ontario; or
  - (b) an affiliated corporation or an associate of any person who is actively engaged in mineral production in Ontario.
- (3) No program of mineral exploration that commenced prior to Idem the coming into force of this Act shall be designated under subsection 1.
- (4) A designation under subsection 1 shall be for a stated period of of time and the designation shall expire at the end of the period of designation time stated, but the period of time for which a mineral exploration program is designated may, upon request, be extended by the Minister.
- (5) At the time the Minister designates a program of mineral  $\frac{Maximum}{grant}$  exploration under subsection 1, the Minister shall establish a  $\frac{Maximum}{grant}$  maximum grant limit applicable to the program for the year.
- **3.**—(1) Upon application by a person in the form prescribed by Application the Minister, the Minister may, subject to the provisions of this payment of Act, pay a grant to any person who is not a corporation and who,
  - (a) is ordinarily resident in Canada; and
  - (b) is not actively engaged in mineral production in Ontario and is not an affiliated corporation or an associate of any person actively engaged in mineral production in Ontario,

in an amount equal to 25 per cent of the eligible exploration expenses incurred by such person.

Certificate of entitlement to tax credit

(2) Upon application made in the form prescribed by the Minister by a corporation that is not actively engaged in mineral production in Ontario and is not an affiliated corporation or an associate of any person actively engaged in mineral production in Ontario, the Minister may issue a certificate in the prescribed form that such corporation is entitled to a tax credit in an amount equal to 25 per cent of the eligible exploration expenses incurred by the corporation and thereupon the corporation may deduct from the tax otherwise payable by it under Part II of *The Corporations Tax Act*, 1972 the amount of the tax credit to which it is so entitled.

1972, c. 143

Pension

(3) A pension fund with 10 per cent or more of its contributors resident in Ontario that meets the prescribed terms and conditions shall be deemed to be a person ordinarily resident in Ontario.

Grants to corporations 1976, c. 62

(4) Notwithstanding subsection 1, a corporation incorporated as a credit union or caisse populaire under *The Credit Unions and Caisses Populaires Act*, 1976 or a predecessor of that Act, and such other corporations as may be prescribed, may apply for and receive a grant under subsection 1 in lieu of a tax credit under subsection 2.

Carry forward of tax credit (5) The unused portion of a tax credit obtained under subsection 2 may be carried forward by the corporation and deducted from the tax otherwise payable by the taxpayer under Part II of *The Corporations Tax Act*, 1972 in subsequent taxation years.

Payment of grant in lieu of carry forward of tax credit (6) Where a corporation is entitled to a tax credit under subsection 2 and the corporation is principally engaged in mineral exploration, the corporation may, in lieu of carrying the tax credit forward under subsection 5, apply to the Minister after the end of its taxation year in which it became entitled to the tax credit for the payment of a grant, and the Minister may pay a grant equal to the amount of the unused tax credit entitlement provided that the application is made within one year of the end of the corporation's taxation year in which it became entitled to the tax credit.

Supporting material

- **4.**—(1) An application for any grant or tax credit under subsection 1 or 2 of section 3 shall be accompanied by,
  - (a) financial statements or records setting out the amounts of money actually spent on eligible exploration expenses; and
  - (b) such additional information as the Minister may prescribe.

(2) Where a tax credit certificate is issued by the Minister under Copy of subsection 2 of section 3, the Minister shall at the same time send a certificate duplicate of such certificate to the Minister of Revenue.

of Revenue

(3) Where a corporation claims a tax credit under subsection 2 Where tax of section 3, the annual return required under section 145 of *The* claimed Corporations Tax Act, 1972, in which the credit is claimed, shall 1972, c. 143 be accompanied by a copy of the certificate of the Minister issued under subsection 2 of section 3 setting out the amount of the tax credit to which the corporation is entitled.

5.—(1) Only one application for a grant or tax credit available One under section 3 shall be made for each designated program of application only mineral exploration unless otherwise agreed to by the Minister at the time the program is designated.

(2) Where a designated program of mineral exploration is Partnership. undertaken by or on behalf of a partnership, limited partnership or similar joint venture, the application shall be made on behalf of or joint all such persons, and any grant or tax credit shall be available only to the persons who compose such partnership, limited partnership or joint venture calculated on the basis of the amount of money actually contributed and spent by or on behalf of each such person on eligible exploration expenses.

(3) The aggregate amount of grants and tax credits that may be Maximum given by the Minister under section 3 in respect of any designated not to be program of mineral exploration shall not exceed the maximum exceeded grant limit in any year.

(4) Where an application under section 3 is made on behalf of Pro-rating more than one person and the amount of eligible exploration expenses entitles such persons to apply for grants or tax credits in an aggregate amount greater than the maximum grant limit, the Minister shall pro-rate the amounts of the grants among those persons eligible under subsections 1 and 4 of section 3 and the amounts of the tax credits among those persons eligible under subsection 2 of section 3 on the basis of the amount of money actually contributed and spent on eligible exploration expenses by such persons so that the aggregate of the grants paid and tax credits earned does not exceed the maximum grant limit.

(5) No grant may be paid or tax credit made available under Limitation on time for section 3 by the Minister unless an application therefor has been application received by the Minister within six months of the expiry of the designation under subsection 4 of section 2.

6. A grant or tax credit entitlement under this Act shall not be Grant or assigned, charged, attached, anticipated or given as security, and not

any transaction purporting to assign, charge, attach, anticipate or give as security a grant or entitlement to a tax credit is void.

Consideration of application by Minister

- **7.**—(1) The Minister upon receiving an application for a grant or tax credit under section 3 shall forthwith consider the application, and he may,
  - (a) approve payment of a grant or claim to a tax credit and determine the amount thereof that may be paid or claimed by the applicant; or
  - (b) determine that no grant may be paid or tax credit claimed by the applicant.

Notification of Minister's decision (2) Where particulars of the basis on which the amount of any grant that may be paid or tax credit that may be claimed by the applicant was determined by the Minister are requested by the applicant, or where the Minister determines that no grant may be paid or tax credit claimed by the applicant, the Minister shall forthwith, in writing, notify the applicant of the basis upon which the amount was determined or of the basis upon which his determination was reached that no grant may be paid or tax credit entitlement claimed and shall notify the applicant of his right to object under this section.

Objection by applicant

(3) Where an applicant is dissatisfied with the determination of the Minister under subsection 1 or with the decision of the Minister under subsection 2, he may object to the determination or decision and within sixty days from the date of the notice of such determination or decision by the Minister, serve on the Minister a notice of objection in the prescribed form setting out the reasons for the objection and all relevant facts.

Notice

(4) Notice of objection under this section shall be served by being sent by registered mail addressed to the Minister, but the Minister may accept a notice of objection under this section, notwithstanding that it was not served in the manner required.

Minister to reconsider (5) Upon receipt of the notice of objection, the Minister shall forthwith reconsider the determination or decision objected to and confirm, vary or reverse such determination or decision, and he shall thereupon notify the person making the objection of his action by registered mail.

Minister's decision final (6) A decision of the Minister under subsection 5 is final and is not subject to appeal except where the decision involves the interpretation of a provision of this Act, or involves an issue solely of law.

8. In any dispute over a determination or decision of the Appeal on Minister under subsection 5 of section 7, the Minister may, where of law the dispute involves the interpretation of a provision of this Act, or involves an issue solely of law in which no facts are in dispute, or involves the proper inference to be drawn from facts that are not in dispute, agree in writing with the disputing party as to the undisputed facts and thereafter apply to the Supreme Court to have the issue in dispute determined, and if the Minister does not make the application within six weeks of the date upon which the undisputed facts have been agreed upon in writing, the other party to the dispute may apply to the court to have the issue determined.

9.—(1) Except as provided in subsections 2 and 3, all informa- Information tion obtained under this Act by any officer, employee or agent of the Ministry is privileged and confidential, and no such officer, employee or agent shall knowingly communicate or allow to be communicated to any person not legally entitled thereto any such information, or allow any person not legally entitled to do so to inspect or have access to any statement or other writing containing such information.

(2) Any information referred to in subsection 1 that is obtained Exceptions by an officer, employee or agent of the Ministry in the administration of this Act may be communicated to any officer or employee of the Department of National Revenue of the Government of Canada, or of the Ministry of Revenue or of the Ministry of Treasury and Economics of the Government of Ontario.

- (3) Notwithstanding subsection 1, the Minister may publish Idem particulars of any designated program of mineral exploration a year or more after such designation expires.
- 10.—(1) Where a person receives or obtains a grant or a tax Repayment credit under this Act to which he is not entitled or the payment of tax credit an amount in excess of the grant or tax credit to which he is excess of the grant or tax credit to which he is entitled entitled, he shall forthwith return,

- (a) to the Minister in the case of a grant; or
- (b) to the Minister of Revenue, in the case of a tax credit,

such grant or excess amount of grant or such tax credit that has been claimed or excess amount of tax credit claimed, as the case may be.

(2) Where a person receives or obtains the payment of a grant or Idem claims a tax credit to which he is not entitled or the payment or claim of an amount in excess of the grant or tax credit to which he is entitled, the amount or excess amount, as the case may be, may

R.S.O. 1970, c. 166 1972, c. 143 be recovered in any court of competent jurisdiction as a debt due to the Crown in proceedings commenced at any time, and where applicable, the amount of any such indebtedness may be recovered in the manner provided for in *The Financial Administration Act* or *The Corporations Tax Act*, 1972.

Offence

#### 11.—(1) Every person who,

- (a) knowingly, makes a false or misleading statement in an application or statement required or permitted by this Act, and who does so for the purpose of obtaining a grant or tax credit under this Act to which he is not entitled or to which a person on whose behalf he is acting is not entitled;
- (b) knowingly, fails to disclose any information that is required to be disclosed and by reason thereof obtains a payment of a grant or entitlement to a tax credit under this Act to which he is not entitled or to which the person on whose behalf he is acting is not entitled;
- (c) knowingly, converts to his own use a payment of a grant or a tax credit entitlement under this Act to which he is not entitled; or
- (d) contravenes section 9 or 12,

is guilty of an offence and on conviction is liable to a fine of not more than \$1,000 or, if such person is a corporation, to a fine of not more than \$10,000.

Limitation

(2) No proceedings in respect of an offence under this Act shall be commenced except within five years of the time when the offence was or is alleged to have been committed.

Corporation

(3) Where a corporation is guilty of an offence under subsection 1, every director or officer thereof who authorized, permitted or acquiesced in the offence is also guilty of an offence and on conviction is liable to a fine of not more than \$1,000.

Investigation

- **12.**—(1) Any person thereunto authorized by the Minister for any purpose related to the administration or enforcement of this Act may at all reasonable times enter into any premises or place where any business or designated program of mineral exploration is carried on or any property is kept or where anything is done in connection with any such business or program of mineral exploration or where any books or records are kept and,
  - (a) audit or examine the books and records and any account, voucher, letter, telegram or other document that relates

or may relate to the information that is or should be in the books or records or relative to the amount of a grant that may be paid or a tax credit claimed under this Act;

- (b) examine any lands or premises related to a designated program of mineral exploration, or any property, process or matter, an examination of which may, in his opinion, assist him in determining the accuracy of any application for a grant or tax credit under this Act or in ascertaining the information that is or should be in the books or records or in any such application, or the amount of any grant that may be paid or tax credit that may be claimed under this Act;
- (c) require any person on the land or premises to give him all reasonable assistance with his audit or examination and to answer all questions relating to the audit or examination either orally or, if he so requires, in writing, on oath or by statutory declaration and, for that purpose, he may require such person to attend at the premises or place with him; and
- (d) if during the course of any audit or examination it appears to him that there has been a violation of this Act. or the regulations, seize and take away any of the records, books, accounts, vouchers, letters, telegrams and other documents and retain them until they are produced in any court proceedings.
- (2) The Minister may, for any purpose relating to the adminis- Production tration or enforcement of this Act, by registered letter or by a and records demand served personally, require from any person any informa- to Minister tion or additional information, or the production, or production on oath, of any books, letters, accounts, invoices, statements (financial or otherwise) or other documents within such reasonable time as is stipulated therein, provided that, in the opinion of the Minister or of the person authorized by him, it is necessary to make the demand in order to determine eligibility or possible eligibility for a grant or tax credit under this Act.

(3) Where a book, record or other document has been seized, Copies of examined or produced under this section, the person by whom it is and records seized or examined or to whom it is produced, or any officer of the Ministry, may make or cause to be made one or more copies thereof, and a document purporting to be certified by the Minister or a person thereunto authorized by the Minister to be a copy made pursuant to this section is admissible in evidence and has the same probative force as the original document would have had if it had been approved in the ordinary way.

Compliance

(4) No person shall hinder or interfere with any person doing anything that he is authorized by this section to do or shall prevent or attempt to prevent any person doing any such thing, and notwithstanding any other law to the contrary, every person shall, unless he is unable to do so, do everything he is required by this section to do.

Administration of oaths (5) Any officer or employee in the Ministry who is authorized by the Minister may administer oaths and take and receive affidavits, declarations and affirmations for the purposes of or incidental to the administration or enforcement of this Act, and every person so authorized has, in respect of any such oath, affidavit, declaration or affirmation, all the powers of a commissioner for taking affidavits.

Regulations

- **13.**—(1) The Minister may make regulations,
  - (a) prescribing any form, notification, certificate or statement to be prescribed or that is required by this Act or that, in his opinion, will assist in the administration of this Act, and prescribing how and by whom any form, notification, certificate or statement shall be completed and what information it shall contain and requiring any information to be verified by statutory declaration;
  - (b) providing for the payment of interest where no grant was payable or tax credit permitted or on overpayments of a grant or claims of tax credit and prescribing the rate of interest payable thereon.

Idem

- (2) The Lieutenant Governor in Council may make regulations,
  - (a) prescribing the evidence to be furnished to the Minister to establish facts relevant to the entitlement of any person to receive a grant or tax credit and to establish the amount of such grant or tax credit;
  - (b) authorizing a designated officer or class of officers employed by the Government of Ontario to exercise powers or perform duties of the Minister under this Act;
  - (c) prescribing any matter required by this Act to be prescribed by the regulations;
  - (d) prescribing a ceiling on the maximum grant limit that may be established by the Minister under subsection 5 of section 2;

- (e) defining any word or expression for the purposes of this Act and the regulations that has not already been expressly defined in this Act;
- (f) prescribing the conditions of eligibility to any grant or tax credit available under this Act.
- (3) A regulation is, if it so provides, effective with reference to a Retroactivity period before it was filed.
- **14.** This Act comes into force on a day to be named by procla- Commencemation of the Lieutenant Governor.
- 15. The short title of this Act is The Ontario Mineral Short title Exploration Program Act, 1980.





BILL

An Act to provide Incentives for the Exploration of Mineral Resources in Ontario

1st Reading

April 22nd, 1980

2nd Reading June 3rd, 1980

3rd Reading

June 17th, 1980

THE HON. F. S. MILLER
Treasurer of Ontario and Minister
of Economics

5

4TH SESSION, 31ST LEGISLATURE, ONTARIO
29 ELIZABETH II, 1980

An Act to amend The Small Business Development Corporations Act, 1979

THE HON. F. S. MILLER
Treasurer of Ontario and Minister of Economics

#### EXPLANATORY NOTE

The purpose of the Bill is to further assist in the formation and operation of small business development corporations; to broaden the participation by investors in them; and to implement the changes proposed by the Treasurer of Ontario in his Budget Statement. Among the principal changes are the following:

- 1. The amount of the minimum capital a small business development corporation must have and maintain is reduced from \$2500,000 to \$100,000. (Sections 2 and 3.)
- 2. An investment in a small business will remain eligible until the small business grows to have 200 or more employees. Once the small business has grown to this size, the investment in it by the small business development corporation may remain an eligible investment for up to five years. Under the current legislation, the allowable limit is 100 employees. Once the small business has grown to this size, it remains an eligible investment for the small business development corporation only for a period of two years. (Section 3 (2).)
- 3. Provision is now made to permit pension funds to qualify for the payment of a grant where the fund makes an investment in a small business development corporation. Ten per cent or more of the contributors to the pension fund must be resident in Ontario. The present Act has no provision to determine whether or not a pension fund is resident in Ontario. To further assist trustees and pension funds, the Bill also proposes that grants be made in circumstances where the applicant is the registered owner, but not the beneficial owner, of the equity shares of a small business development corporation. (Section 8.)
- 4. Credit unions and caisses populaires, together with such other corporations as may be prescribed, will now be able to obtain a grant instead of a tax credit in respect of an investment in a small business development corporation. Under the existing provisions, corporations can obtain only tax credits. A tax credit is of use only where the corporation has taxable income against which the tax credit may be used. (Section 8.)
- 5. Corporations that obtain a tax credit for an investment in a small business development corporation will be permitted not only to carry the tax credit forward indefinitely but will now be able to carry it back one year against the amount of tax paid in the taxation year immediately preceding that in which the credit is earned. (Section 9.)
- 6. Where a small business development corporation dissolves or is deregistered for failure to make the required percentage of eligible investments, interest remaining in the trust fund required to be maintained under the Act will be payable to the Minister. Where no eligible investments are made, or insufficient eligible investments are made, and the small business development corporation is deregistered, the corporation will not be permitted to retain the interest on the amount of grant made by the Minister. (Section 10.)
- 7. Prescribed mineral exploration and development activities will no longer be eligible investments for a small business development corporation. The Ontario Mineral Exploration Program Act, 1980 provides for the making of incentives to investors in mineral exploration activities covered by that new Act. Those investments already made in prescribed mineral activities will remain eligible. (Sections 5 and 12.)

BILL 51 1980

## An Act to amend The Small Business Development Corporations Act, 1979

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- **1.** Clause *i* of subsection 1 of section 1 of *The Small Business Develop-* s. 1 (1) (*i*), *ment Corporations Act, 1979*, being chapter 22, is amended by adding at the end thereof "and includes a corporation".
- **2.** Clause c of section 4 of the said Act is amended by striking out s. 4 (c), "\$250,000" in the third line and inserting in lieu thereof "\$100,000".
- **3.**—(1) Subsection 1 of section 7 of the said Act is amended by striking s. 7 (1). out "\$250,000" in the third line and inserting in lieu thereof "\$100,000".
  - (2) Subsection 3 of the said section 7 is repealed and the following s. 7 (3), substituted therefor:
  - (3) During the third and subsequent years of registration under <sup>Idem</sup> this Act, a small business development corporation shall maintain an average of at least 70 per cent of its equity capital in eligible investments calculated in the prescribed manner.
  - (3) Subsection 4 of the said section 7 is amended by striking out  $^{\text{s. 7}}_{\text{amended}}$  "\$250,000" in the third line and inserting in lieu thereof "\$100,000".
- **4.** Subsection 4 of section 8 of the said Act is amended by adding at the s. 8 (4), commencement thereof "Subject to paragraph 4 of section 24".
- **5.**—(1) Subclause iii of clause b of subsection 1 of section 9 of the said sequence (iii). Act is repealed.
  - (2) Clause *a* of subsection 2 of the said section 9 is repealed and the s. 9 (2) (*a*), following substituted therefor:

(a) the number of equity shares into which any debt obligation or shares of such small business may be converted.

- s. 13, amended
- **6.** Section 13 of the said Act is amended by adding thereto the following subsections:

Where prescribed number of employees exceeded (4) Notwithstanding subsection 3, where a material change occurs by reason only of a small business exceeding the prescribed number of employees, no material change shall be deemed to have occurred until the small business has 200 or more employees, excluding directors and officers of the corporation.

Eligible investment

(5) Where a material change described in subsection 4 occurs, the investment by a small business development corporation shall remain an eligible investment, notwithstanding any other provision of this Act, for a period of five years from the date of the material change.

s. 19, amended

**7.** Section 19 of the said Act is amended by adding at the end thereof "with respect only to the maximum equity capital amount set out in clause c of section 4 and retained earnings thereon".

s. 21, amended **8.** Section 21 of the said Act is amended by adding thereto the following subsections:

Pension funds

(5) A pension fund with 10 per cent or more of its contributors resident in Ontario that meets the prescribed terms and conditions shall be deemed to be a person ordinarily resident in Ontario.

Grants to corporations 1976, c. 62

(6) Notwithstanding anything in this section, a corporation incorporated as a credit union or caisse populaire under *The Credit Unions and Caisses Populaires Act*, 1976 or a predecessor of that Act, and such other corporations as may be prescribed, may apply for and receive a grant under subsection 1 in lieu of a tax credit under section 22.

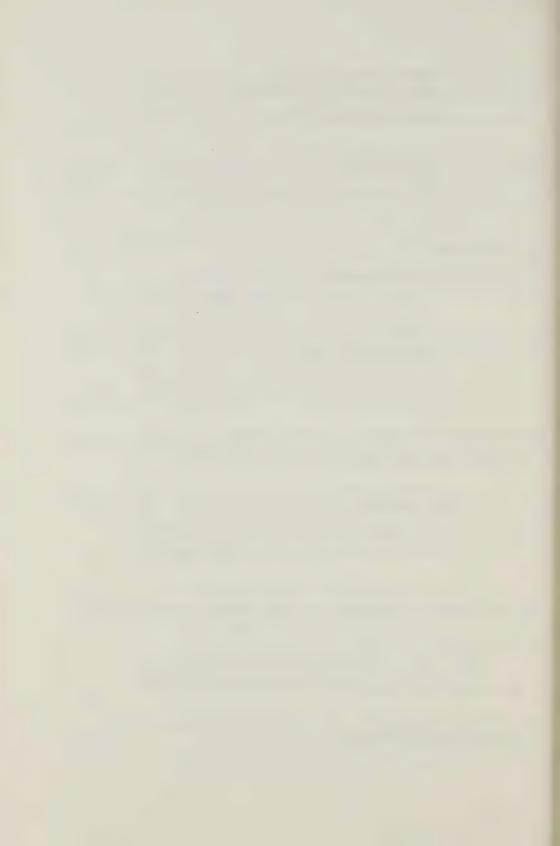
Where applicant not the beneficial owner

(7) When the person applying for a grant under subsection 1 is the registered, but not the beneficial, owner of equity shares of a small business development corporation, the Minister may prescribe the terms and conditions relating to the beneficial ownership of the shares that shall be complied with in order to entitle the person to the grant.

s. 23, re-enacted **9.** Section 23 of the said Act is repealed and the following substituted therefor:

Tax credit carried back or forward 1972, c. 143 23. The unused portion of a tax credit obtained under subsection 1 of section 22, not exceeding the tax payable for the preceding taxation year under Part II of *The Corporations Tax Act, 1972*, may be,

- (a) carried back by the corporation and added to the amount paid on account of the tax payable by the corporation for the taxation year immediately preceding the taxation year in which the credit is earned; or
- (b) if, after making the deduction in clause a, any unused portion of the tax credit remains, carried forward by the corporation and deducted from the tax otherwise payable by the taxpayer under Part II of *The Corporations* 1972, c. 143 *Tax Act, 1972* in subsequent taxation years.
- **10.** Section 24 of the said Act is amended by adding thereto the follow-s. 24, ing paragraph:
  - 4. Where the corporation proposes to wind up or dissolve or where the registration of a small business development corporation is revoked for failure to comply with subsection 1 or 2 of section 7, it shall pay to the Minister, in addition to the amount set out under paragraph 3, an amount equal to the interest earned on all moneys paid into the trust fund established by the corporation under section 8 and not paid out in accordance with subsection 2 of that section from the date of registration of the corporation under this Act.
- **11.** Section 31 of the said Act is amended by striking out "and" at the s. 31, end of clause b, by adding "and" at the end of clause c and by adding thereto the following clause:
  - (d) any books, records, accounts, returns or other information maintained by a small business that has been acquired by a small business development corporation as an eligible investment or that has ceased to be an eligible investment or a small business under this Act,
- **12.**—(1) This Act, except subsection 1 of section 5, shall be deemed to Commence-have come into force on the 23rd day of April, 1980.
  - (2) Subsection 1 of section 5 shall be deemed to have come into Idem force on the 23rd day of April, 1980 but does not apply to an investment made or contracted in writing to be made in a small business prior to that date.
- 13. The short title of this Act is The Small Business Development Short title Corporations Amendment Act, 1980.





An Act to amend The Small Business Development Corporations Act, 1979

1st Reading April 22nd, 1980

2nd Reading

3rd Reading

THE HON. F. S. MILLER
Treasurer of Ontario and
Minister of Economics

(Government Bill)

6

4TH SESSION, 31ST LEGISLATURE, ONTARIO 29 ELIZABETH II, 1980

An Act to amend
The Small Business Development Corporations Act, 1979

THE HON. F. S. MILLER
Treasurer of Ontario and Minister of Economics





BILL 51 1980

# An Act to amend The Small Business Development Corporations Act, 1979

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1. Clause i of subsection 1 of section 1 of The Small Business Develop-s. 1 (1) (i), ment Corporations Act, 1979, being chapter 22, is amended by adding at the end thereof "and includes a corporation".
- **2.** Clause c of section 4 of the said Act is amended by striking out s. 4 (c). "\$250,000" in the third line and inserting in lieu thereof "\$100,000".
- **3.**—(1) Subsection 1 of section 7 of the said Act is amended by striking s. 7 (1). out "\$250,000" in the third line and inserting in lieu thereof "\$100,000".
  - (2) Subsection 3 of the said section 7 is repealed and the following s. 7 (3), substituted therefor:
  - (3) During the third and subsequent years of registration under <sup>Idem</sup> this Act, a small business development corporation shall maintain an average of at least 70 per cent of its equity capital in eligible investments calculated in the prescribed manner.
  - (3) Subsection 4 of the said section 7 is amended by striking out s. 7 (4), "\$250,000" in the third line and inserting in lieu thereof "\$100,000".
- **4.** Subsection 4 of section 8 of the said Act is amended by adding at the commencement thereof "Subject to paragraph 4 of section 24".
- **5.**—(1) Subclause iii of clause b of subsection 1 of section 9 of the said s. 9 (1) (b) (iii), Act is repealed.
  - (2) Clause *a* of subsection 2 of the said section 9 is repealed and the s. 9 (2) (a), following substituted therefor:

(a) the number of equity shares into which any debt obligation or shares of such small business may be converted.

- s. 13, amended
- **6.** Section 13 of the said Act is amended by adding thereto the following subsections:

Where prescribed number of employees exceeded (4) Notwithstanding subsection 3, where a material change occurs by reason only of a small business exceeding the prescribed number of employees, no material change shall be deemed to have occurred until the small business has 200 or more employees, excluding directors and officers of the corporation.

Eligible

(5) Where a material change described in subsection 4 occurs, the investment by a small business development corporation shall remain an eligible investment, notwithstanding any other provision of this Act, for a period of five years from the date of the material change.

s. 19, amended **7.** Section 19 of the said Act is amended by adding at the end thereof "with respect only to the maximum equity capital amount set out in clause c of section 4 and retained earnings thereon".

s. 21, amended **8.** Section 21 of the said Act is amended by adding thereto the following subsections:

Pension funds (5) A pension fund with 10 per cent or more of its contributors resident in Ontario that meets the prescribed terms and conditions shall be deemed to be a person ordinarily resident in Ontario.

Grants to corporations 1976, c. 62

(6) Notwithstanding anything in this section, a corporation incorporated as a credit union or caisse populaire under *The Credit Unions and Caisses Populaires Act, 1976* or a predecessor of that Act, and such other corporations as may be prescribed, may apply for and receive a grant under subsection 1 in lieu of a tax credit under section 22.

Where applicant not the beneficial owner

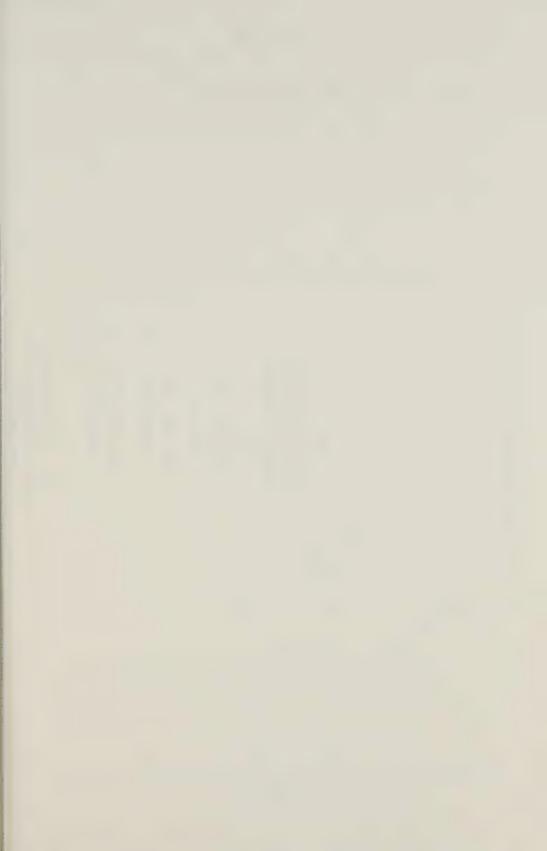
(7) When the person applying for a grant under subsection 1 is the registered, but not the beneficial, owner of equity shares of a small business development corporation, the Minister may prescribe the terms and conditions relating to the beneficial ownership of the shares that shall be complied with in order to entitle the person to the grant.

s. 23, re-enacted **9.** Section 23 of the said Act is repealed and the following substituted therefor:

Tax credit carried back or forward 1972, c. 143 23. The unused portion of a tax credit obtained under subsection 1 of section 22, not exceeding the tax payable for the preceding taxation year under Part II of *The Corporations Tax Act*, 1972, may be,

- (a) carried back by the corporation and added to the amount paid on account of the tax payable by the corporation for the taxation year immediately preceding the taxation year in which the credit is earned; or
- (b) if, after making the deduction in clause a, any unused portion of the tax credit remains, carried forward by the corporation and deducted from the tax otherwise payable by the taxpayer under Part II of *The Corporations* 1972, c. 143 *Tax Act*, 1972 in subsequent taxation years.
- 10. Section 24 of the said Act is amended by adding thereto the follow-  $^{\rm s.~24.}_{\rm amended}$  ing paragraph:
  - 4. Where the corporation proposes to wind up or dissolve or where the registration of a small business development corporation is revoked for failure to comply with subsection 1 or 2 of section 7, it shall pay to the Minister, in addition to the amount set out under paragraph 3, an amount equal to the interest earned on all moneys paid into the trust fund established by the corporation under section 8 and not paid out in accordance with subsection 2 of that section from the date of registration of the corporation under this Act.
- **11.** Section 31 of the said Act is amended by striking out "and" at the s. 31, end of clause b, by adding "and" at the end of clause c and by adding thereto the following clause:
  - (d) any books, records, accounts, returns or other information maintained by a small business that has been acquired by a small business development corporation as an eligible investment or that has ceased to be an eligible investment or a small business under this Act,
- 12.—(1) This Act, except subsection 1 of section 5, shall be deemed to Commence-have come into force on the 23rd day of April, 1980.
  - (2) Subsection 1 of section 5 shall be deemed to have come into Idem force on the 23rd day of April, 1980 but does not apply to an investment made or contracted in writing to be made in a small business prior to that date.
- **13.** The short title of this Act is The Small Business Development Short title Corporations Amendment Act, 1980.





TE TITE

1st Reading

April 22nd, 1980

2nd Reading

June 13th, 1980

3rd Reading

June 17th, 1980

THE HON. F. S. MILLER Treasurer of Ontario and

Minister of Economics

4TH SESSION, 31ST LEGISLATURE, ONTARIO
29 ELIZABETH II, 1980 La inlative Assemis

An Act to amend The Retail Sales Tax Act

THE HON. L. MAECK Minister of Revenue

#### EXPLANATORY NOTES

Section 1.—Subsection 1. The amendment adds paragraphs 11a and 11b to the exemptions contained in subsection 1 of section 5 of the Act. The new paragraph 11a exempts ethyl and methyl alcohol used as fuel to power an internal combustion engine. The new paragraph 11b exempts from tax the purchase of vehicles the operating fuel of which is ethyl or methyl alcohol, natural gas or manufactured gas. "Manufactured gas" is defined in paragraph 32 of section 1 of Regulation 785 (made under *The Retail Sales Tax Act*) to include any gas intended to be used as a source of energy or as fuel for heating or lighting, and the expression will accordingly include gases such as propane or hydrogen.

Subsection 2. The amendment adds to the exemption for energy conservation equipment an exemption for equipment, known in the air-conditioning industry as a "chiller", that is incorporated into an air-conditioning system to recover and redistribute heat that would otherwise be lost in the cooling action of the air-conditioning system.

BILL 52 1980

# An Act to amend The Retail Sales Tax Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1.—(1) Subsection 1 of section 5 of *The Retail Sales Tax Act*, being s. 5 (1), chapter 415 of the Revised Statutes of Ontario, 1970, as amended by the Statutes of Ontario, 1972, chapter 21, section 1, 1973, chapter 23, section 4, 1974, chapter 7, section 2, 1975, chapter 9, section 4, 1976, chapter 23, section 3, 1976, chapter 82, section 3, 1977, chapter 13, section 4, 1978, chapter 6, section 2 and 1979, chapter 27, section 3, is further amended by adding thereto the following paragraphs:
  - 11a. ethyl alcohol or methyl alcohol that is sold and purchased as fuel to generate power by internal combustion in any engine, provided that such alcohol is delivered by the vendor thereof into the engine's fuel tank;
  - 11b. vehicles that are required to be licensed under *The* R.S.O. 1970, *Highway Traffic Act* and the energy to operate which is exclusively electrical energy or energy derived from the internal combustion of ethyl alcohol, methyl alcohol, natural gas or manufactured gas, but only if no part of the energy for the operation of the vehicle is derived from the internal combustion of any fuel taxed under *The* 1973, c. 99 *Gasoline Tax Act*, 1973 or *The Motor Vehicle Fuel Tax* R.S.O. 1970, *Act*.
  - (2) Paragraph 24b of subsection 1 of the said section 5, as re-s. 5 (1), enacted by the Statutes of Ontario, 1977, chapter 13, section 4 amended and amended by 1978, chapter 6, section 2, is further amended by adding thereto the following clause:
    - (ca) units or chillers that are designed for use as part of an air-conditioning system and for the recovery and redistribution of heat when such units or chillers meet the conditions and specifications prescribed by the Minister.

s. 5 (1), par. 38 (*a*), re-enacted

- (3) Clause *a* of paragraph 38 of subsection 1 of the said section 5, as re-enacted by the Statutes of Ontario, 1976, chapter 82, section 3, is repealed and the following substituted therefor:
  - (a) the manufacture or production of tangible personal property or in the research or development by such manufacturer or producer of either,
    - (i) goods for his own manufacture or production or for the manufacture or production of others, or
    - (ii) manufacturing or production processes for his use or the use of others.

s. 5 (1), par. 38a (a), re-enacted

- (4) Clause *a* of paragraph 38*a* of subsection 1 of the said section 5, as re-enacted by the Statutes of Ontario, 1976, chapter 82, section 3, is repealed and the following substituted therefor:
  - (a) to be used directly in the manufacture or production of tangible personal property or is to be used directly in, and exclusively for, the research or development by such manufacturer or producer of either,
    - (i) goods for his own manufacture or production or for the manufacture or production of others, or
    - (ii) manufacturing or production processes for his use or the use of others.

s. 11 (1) (*a*, *b*), re-enacted

- 2. Clauses a and b of subsection 1 of section 11 of the said Act, as re-enacted by the Statutes of Ontario, 1977, chapter 13, section 5, are repealed and the following substituted therefor:
  - (a) \$1,000; or
  - (b) the aggregate of,
    - (i) 4 per cent of the tax collected by the vendor in such period and shown in a return that is made in accordance with this Act and the regulations and in which the tax shown to have been so collected is \$400 or more,
    - (ii) \$16 for each return with respect to tax collected by the vendor in such period that is made in accordance with this Act and the regulations and in which the tax shown to have been so collected exceeds \$16 and is less than \$400, and
    - (iii) the tax collected by the vendor in such period and shown on a return that is made in accordance

Subsections 3 and 4. Clause a of paragraph 38 of subsection 1 of section 5 of the Act now reads:

(a) the manufacture or production of tangible personal property, the development by such manufacturer or producer of goods for his manufacture or production, or the development by such manufacturer or producer of manufacturing or production processes for his own use.

Clause a of paragraph 38a of that subsection now reads:

(a) to be used directly in the manufacture or production of tangible personal property, in the development by such manufacturer or producer of goods for his manufacture or production, or in the development by such manufacturer or producer of manufacturing or production processes for his own use.

The re-enactment of the two clauses will add an exemption for materials and equipment acquired for research by a manufacturer either for his own purposes or for the use of others. In addition, the exemption is extended to materials and equipment used by a manufacturer for the development of goods or manufacturing processes for others. The exemption was previously limited to the development of goods or manufacturing processes for the use only of the manufacturer who developed them.

Section 2. The amendment increases from \$700 to \$1,000 the maximum compensation payable in a twelve-month period to a vendor for the collection of retail sales tax. For each return made by a vendor where the tax collected is \$400 or less, but is not less than \$16, the compensation is increased from \$3 to \$16. Where the tax shown to be collected in a return is less than \$16, the vendor may retain, as compensation, the tax collected.

Section 3. The clause to be added by the amendment provides for the making of a regulation by the Minister to rebate to persons engaged in the business of farming tax paid on the consumption after April 22nd, 1980 of tangible personal property for the construction or installation of grain storage bins or grain dryers.

with this Act and the regulations and in which the tax shown to have been so collected does not exceed \$16.

3. Subsection 3 of section 42 of the said Act, as enacted by the Statutes s. 42 (3), of Ontario, 1975, chapter 9, section 11 and amended by 1976, amended chapter 23, section 12, 1976, chapter 82, section 4 and 1979, chapter 27, section 8, is further amended by adding thereto the following clause:

- (i) providing for the rebate to persons engaged in the business of farming of tax paid on the consumption after the 22nd day of April, 1980 of tangible personal property for the construction or installation of grain storage bins or grain dryers, and prescribing the basis on which such rebate shall be calculated and the conditions under which it shall be made.
- 4. This Act shall be deemed to have come into force on the 23rd day of Commence-April, 1980.
- 5. The short title of this Act is The Retail Sales Tax Amendment Act, Short title 1980.

An Act to amend The Retail Sales Tax Act

CHALL OF

1st Reading
April 22nd, 1980
2nd Reading

3rd Reading

THE HON. L. MAECK Minister of Revenue

(Government Bill)

36

4TH SESSION, 31ST LEGISLATURE, ONTARIO
29 ELIZABETH II, 1980

An Act to amend The Retail Sales Tax Act

THE HON. L. MAECK Minister of Revenue





BILL 52 1980

## An Act to amend The Retail Sales Tax Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1.—(1) Subsection 1 of section 5 of *The Retail Sales Tax Act*, being s. 5 (1), chapter 415 of the Revised Statutes of Ontario, 1970, as amended by the Statutes of Ontario, 1972, chapter 21, section 1, 1973, chapter 23, section 4, 1974, chapter 7, section 2, 1975, chapter 9, section 4, 1976, chapter 23, section 3, 1976, chapter 82, section 3, 1977, chapter 13, section 4, 1978, chapter 6, section 2 and 1979, chapter 27, section 3, is further amended by adding thereto the following paragraphs:
  - 11a. ethyl alcohol or methyl alcohol that is sold and purchased as fuel to generate power by internal combustion in any engine, provided that such alcohol is delivered by the vendor thereof into the engine's fuel tank;
  - 11b. vehicles that are required to be licensed under *The* R.S.O. 1970, *Highway Traffic Act* and the energy to operate which is exclusively electrical energy or energy derived from the internal combustion of ethyl alcohol, methyl alcohol, natural gas or manufactured gas, but only if no part of the energy for the operation of the vehicle is derived from the internal combustion of any fuel taxed under *The* 1973, c. 99 *Gasoline Tax Act*, 1973 or *The Motor Vehicle Fuel Tax* R.S.O. 1970, *Act*.
  - (2) Paragraph 24b of subsection 1 of the said section 5, as re-s. 5 (1), enacted by the Statutes of Ontario, 1977, chapter 13, section 4 par. 24b, and amended by 1978, chapter 6, section 2, is further amended by adding thereto the following clause:
    - (ca) units or chillers that are designed for use as part of an air-conditioning system and for the recovery and redistribution of heat when such units or chillers meet the conditions and specifications prescribed by the Minister.

s. 5 (1), par. 38 (a), re-enacted

- (3) Clause *a* of paragraph 38 of subsection 1 of the said section 5, as re-enacted by the Statutes of Ontario, 1976, chapter 82, section 3, is repealed and the following substituted therefor:
  - (a) the manufacture or production of tangible personal property or in the research or development by such manufacturer or producer of either,
    - (i) goods for his own manufacture or production or for the manufacture or production of others, or
    - (ii) manufacturing or production processes for his use or the use of others.

s. 5 (1), par. 38a (a), re-enacted

- (4) Clause *a* of paragraph 38*a* of subsection 1 of the said section 5, as re-enacted by the Statutes of Ontario, 1976, chapter 82, section 3, is repealed and the following substituted therefor:
  - (a) to be used directly in the manufacture or production of tangible personal property or is to be used directly in, and exclusively for, the research or development by such manufacturer or producer of either,
    - (i) goods for his own manufacture or production or for the manufacture or production of others, or
    - (ii) manufacturing or production processes for his use or the use of others.

s. 11 (1) (*a*, *b*), re-enacted

- **2.** Clauses *a* and *b* of subsection 1 of section 11 of the said Act, as re-enacted by the Statutes of Ontario, 1977, chapter 13, section 5, are repealed and the following substituted therefor:
  - (a) \$1,000; or
  - (b) the aggregate of,
    - (i) 4 per cent of the tax collected by the vendor in such period and shown in a return that is made in accordance with this Act and the regulations and in which the tax shown to have been so collected is \$400 or more,
    - (ii) \$16 for each return with respect to tax collected by the vendor in such period that is made in accordance with this Act and the regulations and in which the tax shown to have been so collected exceeds \$16 and is less than \$400, and
    - (iii) the tax collected by the vendor in such period and shown on a return that is made in accordance

with this Act and the regulations and in which the tax shown to have been so collected does not exceed \$16,

- **3.** Subsection 3 of section 42 of the said Act, as enacted by the Statutes s. 42 (3), of Ontario, 1975, chapter 9, section 11 and amended by 1976, chapter 23, section 12, 1976, chapter 82, section 4 and 1979, chapter 27, section 8, is further amended by adding thereto the following clause:
  - (i) providing for the rebate to persons engaged in the business of farming of tax paid on the consumption after the 22nd day of April, 1980 of tangible personal property for the construction or installation of grain storage bins or grain dryers, and prescribing the basis on which such rebate shall be calculated and the conditions under which it shall be made.
- **4.** This Act shall be deemed to have come into force on the 23rd day of Commence-April, 1980.
- 5. The short title of this Act is The Retail Sales Tax Amendment Act, Short title 1980.





An Act to amend The Retail Sales Tax Act

1st Reading April 22nd, 1980

2nd Reading May 20th, 1980

3rd Reading
June 3rd, 1980

THE HON. L. MAECK Minister of Revenue

4TH SESSION, 31ST LEGISLATURE, ONTARIO
29 ELIZABETH II, 1980 Legislature Posemi

An Act to amend The Corporations Tax Act, 1972

THE HON. L. MAECK Minister of Revenue

### EXPLANATORY NOTES

Section 1. This section amends subsection 1 of section 1 of the Act by adding definitions of "family fishing corporation" (clause da) and "fishing assets" (clause ea) and a cross-reference in clause g to the new clause da for the purpose of the \$50 flat rate of paid-up capital tax for such corporations provided by the amendment made by section 7 of the Bill.

## An Act to amend The Corporations Tax Act, 1972

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1.—(1) Subsection 1 of section 1 of *The Corporations Tax Act, 1972*, s. 1 (1), being chapter 143, as re-enacted by the Statutes of Ontario, 1977, chapter 58, section 1, is amended by adding thereto the following clauses:
  - (da) "family fishing corporation" means a corporation that is throughout the taxation year a corporation,
    - (i) every share of the capital stock of which that confers on the holder thereof the right to vote was owned by an individual ordinarily resident in Canada or by any such individual and a member or members of his family ordinarily resident in Canada or by another family fishing corporation,
    - (ii) 95 per cent of the assets of which were fishing assets, and
    - (iii) which carried on the business of fishing in Ontario through the employment of a shareholder or a member of his family actually engaged in the operation of the business;
  - (ea) "fishing assets" of a family fishing corporation means,
    - (i) cash, trade accounts receivable, supplies and inventory used in the fishing business,
    - (ii) land, buildings, boats, ships, equipment, machinery and nets that are used chiefly in the

operation of the fishing business by the corporation.

- (iii) any right or licence granted or issued under any Act of the Legislature that permits or regulates the catching or sale of fish, and
- (iv) shares in another family fishing corporation.

- s. 1 (1) (g), amended
- (2) Clause *g* of subsection 1 of the said section 1 is amended by striking out "clause *d*" in the second line and inserting in lieu thereof "clause *d* or *da*".
- s. 2 (2) (d), repealed
- **2.**—(1) Clause *d* of subsection 2 of section 2 of the said Act, as enacted by the Statutes of Ontario, 1977, chapter 58, section 2, is repealed.
- s. 2 (3) (d), repealed
- (2) Clause *d* of subsection 3 of the said section 2, as enacted by the Statutes of Ontario, 1977, chapter 58, section 2, is repealed.
- s. 36 (2), re-enacted
- **3.** Subsection 2 of section 36 of the said Act, as re-enacted by the Statutes of Ontario, 1977, chapter 58, section 8, is repealed and the following substituted therefor:

Idem

(2) For the purposes of subsection 1, the amount determined under this subsection is,

R.S.C. 1952, c. 148

- (a) with respect to a corporation to which subsection 1 of section 125 of the *Income Tax Act* (Canada) applies, that proportion of the least of the amounts determined under paragraphs a, b, c and d of subsection 1 of the said section 125 for the taxation year, not exceeding \$150,000; and
- (*b*) with respect to a corporation to which subsection 1.1 of section 125 of the *Income Tax Act* (Canada) applies, that proportion of the lesser of the amounts determined under paragraphs *a* and *b* of subsection 1.1 of the said section 125 for the taxation year, not exceeding \$150,000,

that,

(c) the amount of that portion of its taxable income for the taxation year that is deemed to have been earned in Ontario, measured in accordance with paragraph a of subsection 4 of section 124 of the *Income Tax Act* (Canada),

bears to,

Section 2. This section amends subsections 2 and 3 of section 2 of the Act by repealing clause d in each case in order to provide that non-resident corporations carrying on business in Ontario without a permanent establishment in Ontario will not be taxable under the Act.

Section 3. This section re-enacts subsection 2 of section 36 of the Act by adding thereto a reference to subsection 1.1 of section 125 of the *Income Tax Act* (Canada) in order to extend to professional and service corporations the small business incentive deduction (being 4 per cent of small business income, giving an effective rate of 10 per cent).

Section 4. This section adds a new section 36b to the Act to provide an additional deduction from the tax payable by corporations eligible for the small business deduction under subsection 1 of section 125 of the *Income Tax Act* (Canada). The amount deductible is 20 per cent of the cost of depreciable property acquired at arm's length in the year, but not exceeding the greater of 20 per cent of the tax payable on income eligible under subsection 1 of section 125 of the *Income Tax Act* (Canada) and \$500 and not exceeding the tax otherwise payable for the year. This provision will come into force for the taxation years ending after April 22, 1980 and will be pro-rated for taxation years commencing prior to April 23, 1980 and ending on or after that date. This credit applies to depreciable property acquired after April 22, 1980 and before April 23, 1982.

(d) the total amount of the portions of its taxable income for the taxation year that are deemed to have been earned in the provinces of Canada, measured in accordance with paragraph a of subsection 4 of section 124 of the *Income* R.S.C. 1952, Tax Act (Canada).

4. The said Act is amended by adding thereto the following section: s. 36b,

36b.—(1) There may be deducted from the tax otherwise pay- Small able under this Part for a taxation year by a corporation that is in tax credit the taxation year eligible for the deduction under subsection 1 of section 125 of the *Income Tax Act* (Canada) an amount equal to 20 per cent of the cost to the corporation of depreciable property purchased by it, from a person with whom it was dealing at arm's length, in the taxation year and after the 22nd day of April, 1980 and before the 23rd day of April, 1982, and used by it in Ontario for the purpose of earning income from a business, other than income from the leasing or rental of such depreciable property, but not exceeding the lesser of,

- (a) the greater of,
  - (i) 20 per cent of the tax payable (after the deduction under section 36) calculated on that portion of the income eligible for the deduction under subsection 1 of section 125 of the Income Tax Act R.S.C. 1952, (Canada) as determined for the purposes of section 36, and
  - (ii) \$500; and
- (b) the tax otherwise payable under this Part for the taxation year.
- (2) In this section,

Interpretation

- (a) "eligible for a deduction under subsection 1 of section 125 of the *Income Tax Act* (Canada)" means otherwise qualified for a deduction under subsection 1 of section 125 of the *Income Tax Act* (Canada), notwithstanding that no deduction was allowed under that subsection for the taxation year by reason only that the amount determined under paragraph a or b of that subsection was nil for that taxation year;
- (b) "tax otherwise payable under this Part" means the tax for the taxation year otherwise payable by the corporation under this Part after making any deduction applicable under sections 34, 35, 36 and 36a.

Short taxation year

(3) Where the taxation year of a corporation is less than eleven months, the amounts determined under subclause i of clause a and clause b of subsection 1 shall be that proportion of the amounts otherwise determined under the said subclause i of clause a and clause b that the number of days in the taxation year is of 365 days.

Rules to be prescribed (4) The Lieutenant Governor in Council may prescribe rules to determine the depreciable property, the purchases thereof, the costs thereof and the uses thereof that are eligible for the purposes of subsection 1.

Transitional

(5) For the taxation year that ends after the 22nd day of April, 1982 and that includes that day the amounts determined under subclause i of clause a and clause b of subsection 1 shall be that proportion of such amounts as otherwise determined that the number of days of the taxation year prior to the 23rd day of April, 1982 bears to the total number of days of that taxation year.

s. 127 (1) (c) (ii), re-enacted

- **5.** Subclause ii of clause *c* of subsection 1 of section 127 of the said Act, as re-enacted by the Statutes of Ontario, 1979, chapter 28, section 14, is repealed and the following substituted therefor:
  - (ii) amounts of cash on deposit with any corporation doing the business of a savings bank are deemed not to be loans and advances to other corporations, and
  - (iii) amounts due by a corporation with its head office outside Canada to a related corporation that is taxable under this Part are deemed not to be loans and advances to other corporations unless such amounts have been outstanding for 120 days or more prior to the end of the taxation year of the related corporation.

s. 133a, re-enacted **6.** Section 133a of the said Act, as re-enacted by the Statutes of Ontario, 1979, chapter 28, section 17, is repealed and the following substituted therefor:

Flat rate tax

- 133a.—(1) Notwithstanding subsection 1 of section 131 and subsection 1 of section 132, and except as provided in subsections 1 and 2 of section 135, the tax payable by a corporation under this Part for a taxation year shall be,
  - (a) \$50, where its taxable paid-up capital does not exceed \$100,000; or
  - (b) the lesser of,

Section 5. This section amends clause c of subsection 1 of section 127 of the Act by re-enacting subclause ii and adding a new subclause iii in order to provide that loans to related non-resident corporations will qualify for the investment allowance deductible from paid-up capital if such loans have been outstanding for 120 or more days prior to the end of the taxation year.

SECTION 6. Section 133a of the Act now reads as follows:

# Flat rate tax

- 133a—(1) Notwithstanding subsection 1 of section 131 and subsection 1 of section 132, and except as provided in subsections 1 and 2 of section 135, the tax payable by a corporation under this Part for a taxation year shall be,
  - (a) \$50, where its taxable paid-up capital or taxable paid-up capital employed in Canada, as the case may be, does not exceed \$100,000;
  - (b) the lesser of,
    - (i) the tax that would otherwise be payable under this part if subsection 1 of section 131 and subsection 1 of section 132 were applicable, and
    - (ii) \$100,

where its taxable paid-up capital or taxable paid-up capital employed in Canada, as the case may be, exceeds \$100,000 but does not exceed \$200,000; or

- (c) the lesser of,
  - (i) the tax that would otherwise be payable under this Part if subsection 1 of section 131 and subsection 1 of section 132 were applicable, and
  - (ii) \$100,

where its taxable paid-up capital or taxable paid-up capital employed in Canada, as the case may be, exceeds \$200,000 but does not exceed \$1,000,000 and the corporation has no taxable income for the year or has a loss for the year as determined in accordance with subsection 3.

### Notch provision

- (2) Notwithstanding subsection 1 of section 131 and subsection 1 of section 132, and except as provided in subsections 1 and 2 of section 135, where the taxable paid-up capital or the taxable paid-up capital employed in Canada, as the case may be, of a corporation for a taxation year exceeds \$200,000, but does not exceed \$300,000, and where clause c of subsection 1 does not apply, the tax payable under this Part for a taxation year by the corporation shall be the lesser of,
  - (a) the tax that would otherwise be payable under this Part if subsection 1 of section 131 and subsection 1 of section 132 were applicable; and
  - (b) the amount by which the tax that would otherwise be payable under this Part if no deduction were made under subsection 1 of section 132 exceeds ½ of 1 per cent of the amount by which,

#### exceeds

(ii) its taxable paid-up capital or taxable paid-up capital employed in Canada, as the case may be.

Interpretation

- (3) For the purposes of clause c of subsection 1, a corporation has no taxable income for a taxation year or a loss for a taxation year if it has no income for the year or has a loss for the year after making the deductions permitted by Part II other than the deductions under,
  - (a) clauses a and d of subsection 7 of section 14;

R.S.C. c. 148

- (b) paragraphs b and gg of subsection 1 of section 20 of the Income Tax Act (Canada) as made applicable by section 14;
- (c) subsection 16 of section 20 of the Income Tax Act (Canada) as made applicable by section 14;
- (d) section 19; and
- (e) paragraphs a, b and b.1 of subsection 1 of section 110 of the Income Tax Act (Canada) and sections 111, 112 and 113 of the Income Tax Act (Canada), all as made applicable by section 29.

This section re-enacts section 133a in order to extend the \$100 flat rate of paid-up capital tax to corporations with taxable paid-up capital exceeding \$100,000 but not exceeding \$1,000,000, and to provide a notch provision for corporations with taxable paid-up capital exceeding \$1,200,000, but not exceeding \$1,200,000. Also the references to "taxable paid-up capital employed in Canada" have been deleted to make it clear that non-resident corporations employing paid-up capital in Canada will be treated on the same basis as resident corporations for the purposes of section 133a.

Section 7. This section amends subsection 2 of section 135 of the Act by adding a reference therein to clause da of subsection 1 of section 1 of the Act in order to provide a \$50 flat rate of paid-up capital tax for family fishing corporations.

Section 8. This section adds a new subsection 7 to section 148 of the Act in order to provide the rule for the application of moneys received on account of amounts payable under the Act, namely, that amounts received will be applied first to any interest then payable, secondly to any penalty then payable, and finally to the tax payable by the corporation.

Section 9. Subsection 1 of this section adds a new subsection 1b to section 149 of the Act to define "amount of tax payable" for the purpose of subsections 1 and 1a of section 149. Any penalty payable will now be included in "amount of tax payable" for the purpose of subsections 1 and 1a so that interest will now be calculated on any penalty payable as well as on the tax payable.

- (i) the tax that would otherwise be payable under this Part if subsection 1 of section 131 and subsection 1 of section 132 were applicable, and
- (ii) \$100,

where its taxable paid-up capital exceeds \$100,000 but does not exceed \$1,000,000.

(2) Notwithstanding subsection 1 of section 131 and subsection Notch 1 of section 132, and except as provided in subsections 1 and 2 of provisions section 135, where the taxable paid-up capital of a corporation for a taxation year exceeds \$1,000,000, but does not exceed \$1,200,000, the tax payable under this Part for a taxation year by the corporation shall be the lesser of.

- (a) the tax that would otherwise be payable under this Part if subsection 1 of section 131 and subsection 1 of section 132 were applicable; and
- (b) the amount by which the tax that would otherwise be payable under this Part if no deduction were made under subsection 1 of section 132 exceeds 1.45 per cent of the amount by which \$1,200,000 exceeds its taxable paid-up capital.
- (3) For the purposes of this section, the taxable paid-up capital Non-resident of a corporation to which section 128 applies shall be determined corporations in accordance with the provisions of Division B of this Part.

- 7. Subsection 2 of section 135 of the said Act, as re-enacted by the s. 135 (2), Statutes of Ontario, 1977, chapter 58, section 13, is amended by striking out "clause d" in the second line and inserting in lieu thereof "clause d or da".
- 8. Section 148 of the said Act, as amended by the Statutes of Ontario, s. 148, 1975, chapter 17, section 64, 1976, chapter 32, section 19, 1977, chapter 58, sections 16 and 26 and 1978, chapter 14, section 18, is further amended by adding thereto the following subsection:
  - (7) Any amount received by Her Majesty on account of Application amounts payable under this Act by a corporation shall be applied of payments firstly against any interest then payable by the corporation, any balance of the amount received shall be applied against any penalty then payable by the corporation, and any balance then remaining of the amount received shall be applied against the tax payable by the corporation.

9.—(1) Section 149 of the said Act, as amended by the Statutes of s. 149, Ontario, 1975, chapter 17, section 65, 1976, chapter 32, section 20, 1977, chapter 58, sections 17 and 26, 1978, chapter 14, section 19 and 1979, chapter 28, section 19, is further amended by adding thereto the following subsection:

Interpretation (1b) For the purposes of subsections 1 and 1a, the "amount of tax payable" for a taxation year includes any penalty payable by the corporation for the taxation year.

s. 149 (3), re-enacted (2) Subsection 3 of the said section 149, as amended by the Statutes of Ontario, 1977, chapter 58, section 26, is repealed and the following substituted therefor:

Idem

(3) Where the Minister has reassessed the tax payable for a taxation year under subsection 4 of section 150 and the tax payable is greater or less than the tax previously assessed for that taxation year, the amount of interest payable under subsection 2 shall be the amount that would have been payable if such reassessment had not been made.

s. 153, amended **10.** Section 153 of the said Act, as amended by the Statutes of Ontario, 1978, chapter 14, section 22, is further amended by adding thereto the following subsection:

Idem

(3) Where the Minister has reassessed the tax payable for a taxation year under subsection 4 of section 150 and the tax payable is greater or less than the tax previously assessed, the amount of interest allowable under subsection 1 shall be the amount that would have been allowable if such reassessment had not been made

s. 166, amended **11.** Section 166 of the said Act is amended by adding thereto the following subsection:

Exception

(4) Notwithstanding subsection 1, the Minister may provide information obtained or written statements furnished under this Act to officers in the Ministry of Natural Resources for the Province of Ontario authorized by the Minister of Natural Resources to receive, with the concurrence of the Minister of Revenue, such information or statements for the purpose of aiding in an assessment of tax liability under *The Mining Tax Act*, 1972.

1972, c. 140

**12.**—(1) Sections 1, 5 and 7 shall be deemed to have come into force on the 23rd day of April, 1980 and apply to corporations in respect of all taxation years ending after the 22nd day of April, 1980.

ment and application

(2) Section 2 shall be deemed to have come into force on the 8th day of December, 1977 and applies to corporations in respect of all taxation years ending after the 7th day of December, 1977.

Idem

Subsection 2 of this section re-enacts subsection 3 of section 149 to make it clear that there will be no reassessment of debit interest on instalments in the event of a reassessment of the tax payable.

Section 10. This section enacts a new subsection 3 of section 153 to provide that there will be no reassessment of credit interest on instalments in the event of a reassessment of the tax payable. This amendment is complementary to the amendment made by subsection 2 of section 9 of the Bill.

Section 11. This section adds a new subsection 4 to section 166 of the Act to allow disclosure of information obtained under the Act to be made by the Minister to authorized officers of the Ministry of Natural Resources for the purpose of aiding in an assessment of tax liability under *The Mining Tax Act*, 1972.



- (3) Section 3 comes into force on the day this Act receives Royal Idem Assent and applies,
  - (a) in respect of corporations that were in existence on the 23rd day of October, 1979, to all taxation years commencing after 1979; and
  - (b) in respect of any other corporation, to all taxation years commencing after the 23rd day of October, 1979.
- (4) Section 4 shall be deemed to have come into force on the 23rd Idem day of April, 1980 and applies to corporations in respect of all taxation years ending after the 22nd day of April, 1980, except that with respect to the taxation year that ends after the 22nd day of April, 1980 and that includes that day the amounts determined under subclause i of clause *a* and clause *b* of subsection 1 of section 36*b*, as enacted by section 4 of this Act, shall be that proportion of those amounts as otherwise determined that the number of days in the taxation year after the 22nd day of April, 1980 bears to the total number of days in that taxation year.
- (5) Section 6 shall be deemed to have come into force on the 23rd Idem day of April, 1980 and applies to corporations in respect of all taxation years ending after the 22nd day of April, 1980, except that with respect to the taxation year ending after the 22nd day of April, 1980 and that includes that day, the following rules apply:
  - (a) determine the tax payable under Part III of the said Act as that Part stood prior to the 23rd day of April, 1980 that, but for the rules made applicable by this section, would be payable by the corporation for that taxation year on the assumption that that Part was applicable to that taxation year;
  - (b) determine the proportion of the amount determined under clause a that the number of days of the taxation year prior to the 23rd day of April, 1980 bears to the total number of days of that taxation year;
  - (c) determine the tax payable under section 133a of the said Act as amended by this Act that, but for the rules made applicable by this section, would be payable by the corporation for that taxation year on the assumption that that section was applicable to that taxation year;
  - (d) determine the proportion of the amount determined under clause c that the number of days of that taxation year that follow the 22nd day of April, 1980 bears to the total number of days of that taxation year;

(e) determine the aggregate of the amounts determined under clauses b and d in respect of the corporation,

and the aggregate determined under clause e is the amount that is payable by a corporation, under section 133a of the said Act as amended by this Act, for its taxation year that ends after the 22nd day of April, 1980 and that includes that day.

Idem

(6) Section 8 comes into force on the 1st day of October, 1980 and applies to payments received on or after that date.

Idem

(7) Subsection 1 of section 9 comes into force on the 1st day of October, 1980.

Idem

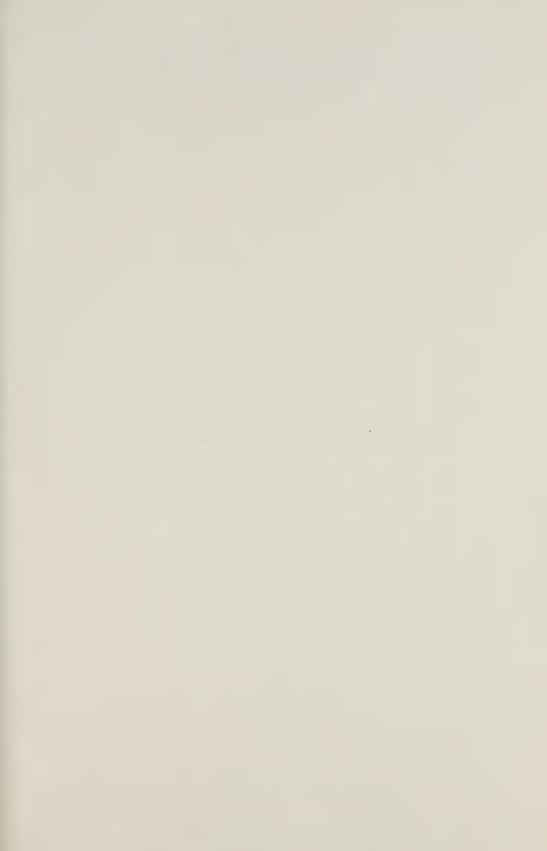
(8) Subsection 2 of section 9 and section 10 come into force on the 1st day of October, 1980 and apply in respect of reassessments made on or after that date.

 $\operatorname{Idem}$ 

(9) Section 11 comes into force on the day this Act receives Royal Assent.

Short title

**13.** The short title of this Act is *The Corporations Tax Amendment Act*, 1980.







An Act to amend The Corporations Tax Act, 1972

1st Reading
April 22nd, 1980
2nd Reading

3rd Reading

THE HON. L. MAECK Minister of Revenue

(Government Bill)

4TH SESSION, 31ST LEGISLATURE, ONTARIO 29 ELIZABETH II, 1980

An Act to amend The Corporations Tax Act, 1972

THE HON. L. MAECK Minister of Revenue





BILL 53 1980

## An Act to amend The Corporations Tax Act, 1972

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1.—(1) Subsection 1 of section 1 of *The Corporations Tax Act, 1972*, s. 1 (1), being chapter 143, as re-enacted by the Statutes of Ontario, 1977, chapter 58, section 1, is amended by adding thereto the following clauses:
  - (da) "family fishing corporation" means a corporation that is throughout the taxation year a corporation,
    - (i) every share of the capital stock of which that confers on the holder thereof the right to vote was owned by an individual ordinarily resident in Canada or by any such individual and a member or members of his family ordinarily resident in Canada or by another family fishing corporation,
    - (ii) 95 per cent of the assets of which were fishing assets, and
    - (iii) which carried on the business of fishing in Ontario through the employment of a shareholder or a member of his family actually engaged in the operation of the business;
  - (ea) "fishing assets" of a family fishing corporation means,
    - (i) cash, trade accounts receivable, supplies and inventory used in the fishing business,
    - (ii) land, buildings, boats, ships, equipment, machinery and nets that are used chiefly in the

operation of the fishing business by the corporation,

- (iii) any right or licence granted or issued under any Act of the Legislature that permits or regulates the catching or sale of fish, and
- (iv) shares in another family fishing corporation.

- s. 1 (1) (g), amended
- (2) Clause *g* of subsection 1 of the said section 1 is amended by striking out "clause *d*" in the second line and inserting in lieu thereof "clause *d* or *da*".
- s. 2 (2) (d), repealed
- **2.**—(1) Clause *d* of subsection 2 of section 2 of the said Act, as enacted by the Statutes of Ontario, 1977, chapter 58, section 2, is repealed.
- s. 2 (3) (d), repealed
- (2) Clause *d* of subsection 3 of the said section 2, as enacted by the Statutes of Ontario, 1977, chapter 58, section 2, is repealed.
- s. 36 (2), re-enacted
- **3.** Subsection 2 of section 36 of the said Act, as re-enacted by the Statutes of Ontario, 1977, chapter 58, section 8, is repealed and the following substituted therefor:

Idem

(2) For the purposes of subsection 1, the amount determined under this subsection is,

R.S.C. 1952, c. 148

- (a) with respect to a corporation to which subsection 1 of section 125 of the *Income Tax Act* (Canada) applies, that proportion of the least of the amounts determined under paragraphs a, b, c and d of subsection 1 of the said section 125 for the taxation year, not exceeding \$150,000; and
- (*b*) with respect to a corporation to which subsection 1.1 of section 125 of the *Income Tax Act* (Canada) applies, that proportion of the lesser of the amounts determined under paragraphs *a* and *b* of subsection 1.1 of the said section 125 for the taxation year, not exceeding \$150,000,

that,

(c) the amount of that portion of its taxable income for the taxation year that is deemed to have been earned in Ontario, measured in accordance with paragraph a of subsection 4 of section 124 of the *Income Tax Act* (Canada),

bears to,

(d) the total amount of the portions of its taxable income for the taxation year that are deemed to have been earned in the provinces of Canada, measured in accordance with paragraph a of subsection 4 of section 124 of the Income R.S.C. 1952, Tax Act (Canada).

**4.** The said Act is amended by adding thereto the following section:

36b.—(1) There may be deducted from the tax otherwise pay-Small able under this Part for a taxation year by a corporation that is in tax credit the taxation year eligible for the deduction under subsection 1 of section 125 of the *Income Tax Act* (Canada) an amount equal to 20 per cent of the cost to the corporation of depreciable property purchased by it, from a person with whom it was dealing at arm's length, in the taxation year and after the 22nd day of April, 1980 and before the 23rd day of April, 1982, and used by it in Ontario for the purpose of earning income from a business, other than income from the leasing or rental of such depreciable property, but not exceeding the lesser of,

- (a) the greater of,
  - (i) 20 per cent of the tax payable (after the deduction under section 36) calculated on that portion of the income eligible for the deduction under subsection 1 of section 125 of the Income Tax Act R.S.C. 1952, (Canada) as determined for the purposes of sec- c. 148 tion 36, and
  - (ii) \$500; and
- (b) the tax otherwise payable under this Part for the taxation vear.
- (2) In this section,

Interpre-

- (a) "eligible for a deduction under subsection 1 of section 125 of the *Income Tax Act* (Canada)" means otherwise qualified for a deduction under subsection 1 of section 125 of the *Income Tax Act* (Canada), notwithstanding that no deduction was allowed under that subsection for the taxation year by reason only that the amount determined under paragraph a or b of that subsection was nil for that taxation year;
- (b) "tax otherwise payable under this Part" means the tax for the taxation year otherwise payable by the corporation under this Part after making any deduction applicable under sections 34, 35, 36 and 36a.

Short taxation year (3) Where the taxation year of a corporation is less than eleven months, the amounts determined under subclause i of clause a and clause b of subsection 1 shall be that proportion of the amounts otherwise determined under the said subclause i of clause a and clause b that the number of days in the taxation year is of 365 days.

Rules to be prescribed (4) The Lieutenant Governor in Council may prescribe rules to determine the depreciable property, the purchases thereof, the costs thereof and the uses thereof that are eligible for the purposes of subsection 1.

Transitional

(5) For the taxation year that ends after the 22nd day of April, 1982 and that includes that day the amounts determined under subclause i of clause a and clause b of subsection 1 shall be that proportion of such amounts as otherwise determined that the number of days of the taxation year prior to the 23rd day of April, 1982 bears to the total number of days of that taxation year.

s. 127 (1) (c) (ii), re-enacted

- **5.** Subclause ii of clause *c* of subsection 1 of section 127 of the said Act, as re-enacted by the Statutes of Ontario, 1979, chapter 28, section 14, is repealed and the following substituted therefor:
  - (ii) amounts of cash on deposit with any corporation doing the business of a savings bank are deemed not to be loans and advances to other corporations, and
  - (iii) amounts due by a corporation with its head office outside Canada to a related corporation that is taxable under this Part are deemed not to be loans and advances to other corporations unless such amounts have been outstanding for 120 days or more prior to the end of the taxation year of the related corporation.

s. 133a, re-enacted **6.** Section 133*a* of the said Act, as re-enacted by the Statutes of Ontario, 1979, chapter 28, section 17, is repealed and the following substituted therefor:

Flat rate

- 133a.—(1) Notwithstanding subsection 1 of section 131 and subsection 1 of section 132, and except as provided in subsections 1 and 2 of section 135, the tax payable by a corporation under this Part for a taxation year shall be,
  - (a) \$50, where its taxable paid-up capital does not exceed \$100,000; or
  - (b) the lesser of,

- (i) the tax that would otherwise be payable under this Part if subsection 1 of section 131 and subsection 1 of section 132 were applicable, and
- (ii) \$100,

where its taxable paid-up capital exceeds \$100,000 but does not exceed \$1,000,000.

(2) Notwithstanding subsection 1 of section 131 and subsection Notch 1 of section 132, and except as provided in subsections 1 and 2 of provisions section 135, where the taxable paid-up capital of a corporation for a taxation year exceeds \$1,000,000, but does not exceed \$1,200,000, the tax payable under this Part for a taxation year by the corporation shall be the lesser of,

- (a) the tax that would otherwise be payable under this Part if subsection 1 of section 131 and subsection 1 of section 132 were applicable: and
- (b) the amount by which the tax that would otherwise be pavable under this Part if no deduction were made under subsection 1 of section 132 exceeds 1.45 per cent of the amount by which \$1,200,000 exceeds its taxable paid-up capital.
- (3) For the purposes of this section, the taxable paid-up capital Non-resident of a corporation to which section 128 applies shall be determined in accordance with the provisions of Division B of this Part.

- 7. Subsection 2 of section 135 of the said Act, as re-enacted by the s. 135 (2), Statutes of Ontario, 1977, chapter 58, section 13, is amended by amended striking out "clause d" in the second line and inserting in lieu thereof "clause d or da".
- 8. Section 148 of the said Act, as amended by the Statutes of Ontario, s. 148, 1975, chapter 17, section 64, 1976, chapter 32, section 19, 1977, chapter 58, sections 16 and 26 and 1978, chapter 14, section 18, is further amended by adding thereto the following subsection:
  - (7) Any amount received by Her Majesty on account of Application amounts payable under this Act by a corporation shall be applied of payments received firstly against any interest then payable by the corporation, any balance of the amount received shall be applied against any penalty then payable by the corporation, and any balance then remaining of the amount received shall be applied against the tax payable by the corporation.
- 9.—(1) Section 149 of the said Act, as amended by the Statutes of s. 149, Ontario, 1975, chapter 17, section 65, 1976, chapter 32, sec-

tion 20, 1977, chapter 58, sections 17 and 26, 1978, chapter 14, section 19 and 1979, chapter 28, section 19, is further amended by adding thereto the following subsection:

Interpretation (1b) For the purposes of subsections 1 and 1a, the "amount of tax payable" for a taxation year includes any penalty payable by the corporation for the taxation year.

s. 149 (3), re-enacted (2) Subsection 3 of the said section 149, as amended by the Statutes of Ontario, 1977, chapter 58, section 26, is repealed and the following substituted therefor:

Idem

(3) Where the Minister has reassessed the tax payable for a taxation year under subsection 4 of section 150 and the tax payable is greater or less than the tax previously assessed for that taxation year, the amount of interest payable under subsection 2 shall be the amount that would have been payable if such reassessment had not been made.

s. 153, amended **10.** Section 153 of the said Act, as amended by the Statutes of Ontario, 1978, chapter 14, section 22, is further amended by adding thereto the following subsection:

Idem

(3) Where the Minister has reassessed the tax payable for a taxation year under subsection 4 of section 150 and the tax payable is greater or less than the tax previously assessed, the amount of interest allowable under subsection 1 shall be the amount that would have been allowable if such reassessment had not been made.

s. 166, amended **11.** Section 166 of the said Act is amended by adding thereto the following subsection:

Exception

(4) Notwithstanding subsection 1, the Minister may provide information obtained or written statements furnished under this Act to officers in the Ministry of Natural Resources for the Province of Ontario authorized by the Minister of Natural Resources to receive, with the concurrence of the Minister of Revenue, such information or statements for the purpose of aiding in an assessment of tax liability under *The Mining Tax Act*, 1972.

1972, c. 140

**12.**—(1) Sections 1, 5 and 7 shall be deemed to have come into force on the 23rd day of April, 1980 and apply to corporations in respect of all taxation years ending after the 22nd day of April, 1980.

Commencement and application

(2) Section 2 shall be deemed to have come into force on the 8th day of December, 1977 and applies to corporations in respect of all taxation years ending after the 7th day of December, 1977.

Idem

- (3) Section 3 comes into force on the day this Act receives Royal Idem Assent and applies,
  - (a) in respect of corporations that were in existence on the 23rd day of October, 1979, to all taxation years commencing after 1979; and
  - (b) in respect of any other corporation, to all taxation years commencing after the 23rd day of October, 1979.
- (4) Section 4 shall be deemed to have come into force on the 23rd Idem day of April, 1980 and applies to corporations in respect of all taxation years ending after the 22nd day of April, 1980, except that with respect to the taxation year that ends after the 22nd day of April, 1980 and that includes that day the amounts determined under subclause i of clause a and clause b of subsection 1 of section 36b, as enacted by section 4 of this Act, shall be that proportion of those amounts as otherwise determined that the number of days in the taxation year after the 22nd day of April, 1980 bears to the total number of days in that taxation year.
- (5) Section 6 shall be deemed to have come into force on the 23rd Idem day of April, 1980 and applies to corporations in respect of all taxation years ending after the 22nd day of April, 1980, except that with respect to the taxation year ending after the 22nd day of April, 1980 and that includes that day, the following rules apply:
  - (a) determine the tax payable under Part III of the said Act as that Part stood prior to the 23rd day of April, 1980 that, but for the rules made applicable by this section, would be payable by the corporation for that taxation year on the assumption that that Part was applicable to that taxation year;
  - (b) determine the proportion of the amount determined under clause a that the number of days of the taxation year prior to the 23rd day of April, 1980 bears to the total number of days of that taxation year;
  - (c) determine the tax payable under section 133a of the said Act as amended by this Act that, but for the rules made applicable by this section, would be payable by the corporation for that taxation year on the assumption that that section was applicable to that taxation year;
  - (d) determine the proportion of the amount determined under clause c that the number of days of that taxation year that follow the 22nd day of April, 1980 bears to the total number of days of that taxation year;

(e) determine the aggregate of the amounts determined under clauses b and d in respect of the corporation,

and the aggregate determined under clause e is the amount that is payable by a corporation, under section 133a of the said Act as amended by this Act, for its taxation year that ends after the 22nd day of April, 1980 and that includes that day.

Idem

(6) Section 8 comes into force on the 1st day of October, 1980 and applies to payments received on or after that date.

Idem

(7) Subsection 1 of section 9 comes into force on the 1st day of October, 1980.

Idem

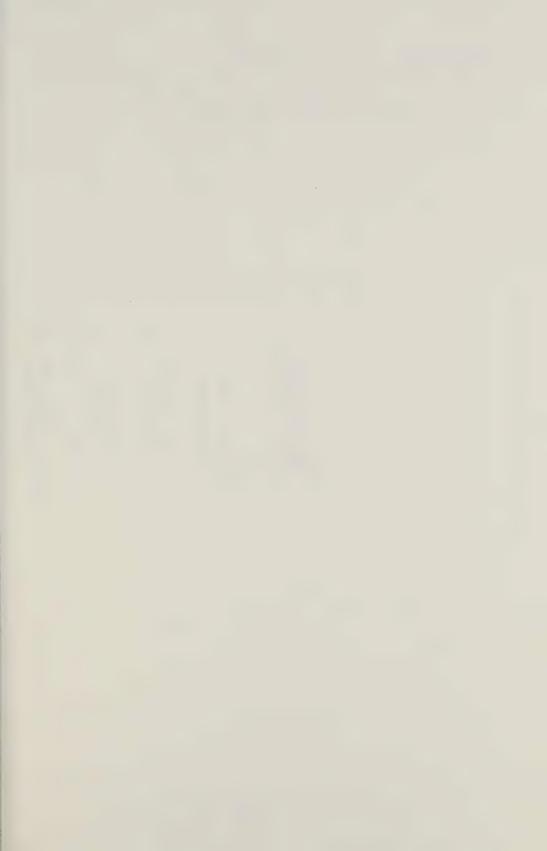
(8) Subsection 2 of section 9 and section 10 come into force on the 1st day of October, 1980 and apply in respect of reassessments made on or after that date.

Idem

(9) Section 11 comes into force on the day this Act receives Royal Assent.

Short title

**13.** The short title of this Act is *The Corporations Tax Amendment Act*, 1980.



An Act to amend The Corporations Tax Act, 1972

1st Reading April 22nd, 1980

2nd Reading May 20th, 1980

3rd Reading
June 3rd, 1980

THE HON. L. MAECK Minister of Revenue

4TH SESSION, 31ST LEGISLATURE, ONTARIO 29 ELIZABETH II, 1980 Register

An Act to amend The Gasoline Tax Act, 1973

THE HON. L. MAECK Minister of Revenue

### EXPLANATORY NOTE

The amendment proposed in the Bill as a consequence of the Treasurer's Budget redefines "gasoline" to exclude from the definition ethyl or methyl alcohol, natural or manufactured gas, or products commonly known as liquefied petroleum gas.

Clause d of section 1 of the Act now defines "gasoline" as:

"gasoline" means any gas or liquid that may be used for the purpose of generating power by means of internal combustion and includes any substance added thereto, but does not include the following products, except when any such product is mixed or combined with gasoline,

- (i) aviation fuel, except when used or intended to be used to generate power by means of internal combustion in a vehicle other than an aircraft,
- (ii) the products commonly known as diesel fuel, fuel oil, coal oil or kerosene,
- (iii) products excluded from this Act by the regulations,
- (iv) natural or manufactured gas, or any product that is commonly known as a liquefied petroleum gas, when any of them is purchased exclusively for use otherwise than to supply power to propel any vehicle of any kind on a highway within the meaning of The Highway Traffic Act.

BILL 54 1980

## An Act to amend The Gasoline Tax Act, 1973

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- **1.** Clause *d* of section 1 of *The Gasoline Tax Act*, 1973, being chapter s. 1 (*d*), 99, as amended by the Statutes of Ontario, 1975, chapter 11, re-enacted section 1, is repealed and the following substituted therefor:
  - (d) "gasoline" means any gas or liquid, other than those described in subclause iv, that may be used for the purpose of generating power by means of internal combustion and includes any substance, other than those described in subclause iv, that is added thereto, but does not include the following products,
    - (i) aviation fuel, except when used or intended to be used to generate power by means of internal combustion in a vehicle other than an aircraft,
    - (ii) the products commonly known as diesel fuel, fuel oil, coal oil or kerosene, except when any such product is mixed or combined with gasoline,
    - (iii) products excluded from this Act by the regulations, except when any such product is mixed or combined with gasoline, or
    - (iv) ethyl alcohol, methyl alcohol, natural gas, manufactured gas or any product commonly known as liquefied petroleum gas.
- This Act shall be deemed to have come into force on the 23rd day of Commence-April, 1980.
- 3. The short title of this Act is The Gasoline Tax Amendment Act, Short title 1980.

An Act to amend The Gasoline Tax Act, 1973

1st Reading
April 22nd, 1980
2nd Reading

3rd Reading

THE HON. L. MAECK Minister of Revenue

(Government Bill)

4TH SESSION, 31ST LEGISLATURE, ONTARIO 29 ELIZABETH II, 1980

An Act to amend The Gasoline Tax Act, 1973

THE HON. L. MAECK Minister of Revenue



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BILL 54 1980

# An Act to amend The Gasoline Tax Act, 1973

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1. Clause *d* of section 1 of *The Gasoline Tax Act*, 1973, being chapter s. 1 (*d*), 99, as amended by the Statutes of Ontario, 1975, chapter 11, re-enacted section 1, is repealed and the following substituted therefor:
  - (d) "gasoline" means any gas or liquid, other than those described in subclause iv, that may be used for the purpose of generating power by means of internal combustion and includes any substance, other than those described in subclause iv, that is added thereto, but does not include the following products,
    - (i) aviation fuel, except when used or intended to be used to generate power by means of internal combustion in a vehicle other than an aircraft,
    - (ii) the products commonly known as diesel fuel, fuel oil, coal oil or kerosene, except when any such product is mixed or combined with gasoline,
    - (iii) products excluded from this Act by the regulations, except when any such product is mixed or combined with gasoline, or
    - (iv) ethyl alcohol, methyl alcohol, natural gas, manufactured gas or any product commonly known as liquefied petroleum gas.
- 2. This Act shall be deemed to have come into force on the 23rd day of Commence-April, 1980.
- 3. The short title of this Act is The Gasoline Tax Amendment Act, Short title 1980.

An Act to amend The Gasoline Tax Act, 1973

1st Reading April 22nd, 1980

2nd Reading May 20th, 1980

3rd Reading
June 3rd, 1980

THE HON. L. MAECK Minister of Revenue 4TH SESSION, 31ST LEGISLATURE, ONTARIO 29 ELIZABETH II, 1980 The Levisland

An Act to amend The Income Tax Act

THE HON. L. MAECK Minister of Revenue

#### EXPLANATORY NOTES

GENERAL. The Bill continues for the 1980 taxation year the income tax rate of 44 per cent payable by individuals in Ontario. In addition, other necessary amendments are proposed as a consequence of the introduction by the Treasurer of Ontario as part of his Budget of the Bill to enact *The Ontario Pensioners Property Tax Assistance Act*, 1980.

Section 1. The effect of the re-enactment is to continue the rate of 44 per cent for the 1980 taxation year.

Section 2.—Subsection 1. The amendment redefines "housing unit" to effect changes required by *The Ontario Pensioners Property Tax Assistance Act,* 1980. The definition of "housing unit" now contained in the Act reads:

"housing unit" includes any premises that an individual ordinarily occupies and inhabits as his residence in the taxation year, but does not include any premises that are part of any charitable institution, home for special care, home for the aged, private nursing home or public nursing home that is prescribed in the regulations.

Subsection 2. The amendment redefines "occupancy cost" to provide that property tax may be claimed as occupancy cost by the owners of the principal residence with respect to which it is paid, and to provide that property tax that is paid by an individual with respect to a principal residence that he or his spouse does not own will be treated as rent, i.e., only 20 per cent of the payment will be entitled to be treated as occupancy cost for the purpose of the property tax credit. The amendment also provides that where a tenant of property pays both rent and property tax on the property, he may aggregate 20 per cent of the property tax so paid with 20 per cent of the rent paid in order to calculate his occupancy cost. Finally, the amendment excludes from occupancy cost any payment counted as occupancy cost for the purpose of a grant under *The Ontario Pensioners Property Tax Assistance Act*, 1980.

### An Act to amend The Income Tax Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- **1.** Clause *i* of subsection 3 of section 3 of *The Income Tax Act*, being s. 3 (3) (*i*), chapter 217 of the Revised Statutes of Ontario, 1970, as re-enacted by the Statutes of Ontario, 1979, chapter 15, section 1, is repealed and the following substituted therefor:
  - (i) 44 per cent in respect of the 1977, 1978, 1979 and 1980 taxation years.
- **2.**—(1) Clause a of subsection 1 of section 6b of the said Act, as s. 6b (1) (a), re-enacted by the Statutes of Ontario, 1972, chapter 146, section 2, is repealed and the following substituted therefor:
  - (a) "housing unit" includes any premises that an individual ordinarily occupies and inhabits as his residence in the taxation year, but does not include premises that are part of a chronic care facility or other similar institution that is prescribed, or that are part of any charitable institution, home for special care, home for the aged, public nursing home or private nursing home, except when such excluded premises are occupied and inhabited by an individual of a class prescribed for the purpose of this clause.
  - (2) Clause d of subsection 1 of the said section 6b, as re-enacted by  $\frac{s. 6b}{re-enacted}$  the Statutes of Ontario, 1973, chapter 21, section 2, is repealed and the following substituted therefor:
    - (d) "occupancy cost" means,
      - (i) municipal tax paid in the taxation year in respect of a principal residence of the principal taxpayer or his spouse to the extent that such principal residence is beneficially owned by them or either of them or is held in trust for the use and occupa-

tion of them or either of them and their dependants as a principal residence, or

- (ii) 20 per cent of,
  - A. municipal tax paid in the taxation year in respect of a principal residence that is not beneficially owned by the principal tax-payer and his spouse or either of them or is not held in trust for them or either of them and their dependants, but only to the extent that such municipal tax is included by the owner of such principal residence in computing his taxable income under the Federal Act for the taxation year, and
  - B. rent paid in the taxation year for occupation of a principal residence of the principal taxpayer where such rent is paid by or on behalf of the principal taxpayer or his spouse and is calculated to exclude all payments on account of meals or board and all payments of rent for occupation prior to the 1st day of January, 1980,

and does not include any amount included as the occupancy cost of an individual for the purpose of a grant under *The Ontario Pensioners Property Tax Assistance Act*, 1980.

1980, с. . . .

s. 6b (1) (f),

amended

- (3) Clause f of subsection 1 of the said section 6b, as re-enacted by the Statutes of Ontario, 1973, chapter 21, section 2 and amended by 1973, chapter 153, section 2 and 1975, chapter 16, section 3, is further amended,
  - (a) by striking out subclause ii and inserting in lieu thereof the following:
    - (ii) under the age of twenty-one years and residing in the principal residence of a principal taxpayer or his spouse either of whom claims such individual as a dependant in that taxation year;

and

(b) by striking out "or" at the end of subclause iv, by adding "or" at the end of subclause v and by adding thereto the following subclause:

Subsection 3. The subsection makes two amendments to the definition of "principal taxpayer". Firstly, subclause ii is re-enacted to exclude from eligibility for a property tax credit a person under age 21 who resides in the principal residence of a principal taxpayer or that principal taxpayer's spouse either of whom claims the individual as a dependant. The present subclause ii does not apply to a person under age 21 residing with the spouse of the principal taxpayer and claimed by that spouse as a dependant.

Secondly, a new subclause is added to exclude from eligibility for a property tax credit an eligible person under *The Ontario Pensioners Property Tax Assistance Act, 1980* and the spouse of that eligible person.

Subsection 4. The amendment is consequential on the repeal of clause  $\epsilon$  later in the Bill.

Subsection 5. The subsection proposes two amendments to clause b of subsection 2 of section 6b. Firstly, subclause ii of clause b is amended to change "Ontario" to "Canada" so that an individual residing in Ontario who is claimed as a dependant of anyone residing in Canada will be excluded from the tax credit provided by the clause. Previously, the exclusion only applied if the individual was claimed as a dependant of an Ontario resident, and the amendment removes the anomaly for residents of Ontario who are claimed as dependants by residents of other provinces in the taxation year.

Secondly, a subclause is added to clause b to exclude from the tax credit provided by that clause an individual entitled to the \$50 grant authorized by section 7 of *The Ontario Pensioners Property Tax Assistance Act*, 1980. The exclusion will not apply to those who are over age 65 and who may not be entitled to that grant.

Subsection 6. The amendment repeals clause c of subsection 2 of section 6b of the Act, the "pensioner tax credit". This credit is being replaced by the grants provided in *The Ontario Pensioners Property Tax Assistance Act*, 1980.

Subsection 7. Subsection 7 of section 6b of the Act is re-enacted to provide that, where two or more principal taxpayers who are not married to each other inhabit a principal residence, their occupancy cost must be apportioned among them on the basis of their beneficial ownership of the principal residence or, in the case of rented premises, on the basis of the rent paid in respect of their occupation of the principal residence.

Subsection 7 of section 6b now reads:

(7) Where two or more principal taxpayers together occupy and inhabit the same principal residence in the taxation year, the occupancy cost thereof may be allocated to each such principal taxpayer according to his beneficial interest in the principal residence or according to the portion of the rent for the principal residence that was paid by or on behalf of each principal taxpayer in the taxation year, as the case may be.

Subsection 8. Subsections 8 and 9 of section 6b now read as follows:

- (vi) an eligible person, as defined by *The Ontario* 1980, c. ... *Pensioners Property Tax Assistance Act, 1980*, or the spouse of such eligible person.
- (4) Clause *a* of subsection 2 of the said section 6*b*, as re-enacted by s. 6*b* (2) (*a*), the Statutes of Ontario, 1973, chapter 153, section 2 and amended by 1974, chapter 91, section 2, is further amended by adding "and" at the end thereof.
- (5) Clause *b* of subsection 2 of the said section 6*b*, as re-enacted by s. 6*b* (2) (*b*), the Statutes of Ontario, 1973, chapter 153, section 2 and amended by 1975, chapter 16, section 3 and 1976, chapter 81, section 2, is further amended,
  - (a) by striking out "or" at the end of subclause i;
  - (b) by striking out "Ontario" in the second line of subclause ii and inserting in lieu thereof "Canada" and by adding "or" at the end of the said subclause;
  - (c) by striking out "and" at the end of the said clause and by adding thereto the following subclause:
    - (iii) who, on the last day of the taxation year, is an individual entitled to receive in respect of the taxation year a grant under section 7 of The 1980, c. ... Ontario Pensioners Property Tax Assistance Act, 1980.
- (6) Clause c of subsection 2 of the said section 6b, as re-enacted by s. 6b (2) (c), the Statutes of Ontario, 1973, chapter 153, section 2 and repealed amended by 1974, chapter 91, section 2, is repealed.
- (7) Subsection 7 of the said section 6*b*, as re-enacted by the Sta- s. 6*b* (7), tutes of Ontario, 1973, chapter 21, section 2, is repealed and the following substituted therefor:
- (7) Where two or more principal taxpayers together occupy and Joint inhabit the same principal residence in the taxation year, the occupancy cost thereof shall be allocated to each such principal residence taxpayer according to his beneficial ownership in the principal residence or according to the portion of the rent for the principal residence that was paid in respect of the occupation thereof by each such principal taxpayer in the taxation year, as the case may be.
- (8) Subsections 8 and 9 of the said section 6*b*, as re-enacted by the s. 6*b* (8, 9). Statutes of Ontario, 1972, chapter 146, section 2, are repealed and the following substituted therefor:

Imputed rent

(8) Where a principal taxpayer or his spouse, instead of paying full rent for the occupation of their principal residence that is not owned by them or either of them, furnishes work or services to the owner or lessee of the principal taxpayer's principal residence, the value of the benefit that the principal taxpayer or his spouse receives from paying less than full rent may, for the purposes of determining the principal taxpayer's occupancy cost, be included by the principal taxpayer as part of the rent that he or his spouse has paid with respect to their principal residence, but the amount of such benefit may be so included only to the extent that the benefit is included as part of the income of the principal taxpayer or his spouse for that taxation year computed for the purpose of determining the tax payable under Part I of the Federal Act by either of them.

Deemed principal taxpayer

- (9) Notwithstanding clause f of subsection 1, if an individual occupies and inhabits with his spouse a principal residence on the last day of the taxation year, and,
  - (a) if that individual and his spouse have the same amount of taxable income in the taxation year or have no taxable income in the taxation year, they may agree between them which of them shall claim the deduction permitted under subsection 2, and the individual thus agreed upon shall be deemed to be the principal taxpayer; and
  - (b) if the individual and his spouse married in that taxation year, the spouse having the lower taxable income and not otherwise disqualified as a principal taxpayer under clause f of subsection 1 shall be deemed to be a principal taxpayer in respect of occupancy cost for a principal residence inhabited by that spouse in the taxation year and prior to the marriage, provided that such occupancy cost is not included in the occupancy cost of the other spouse.

Commencement 3.—(1) This Act, except section 2, shall be deemed to have come into force on the 1st day of January, 1980.

Idem

(2) Section 2 comes into force on the 1st day of July, 1980 and applies in respect of any taxation year of an individual ending on or after that date.

Short title

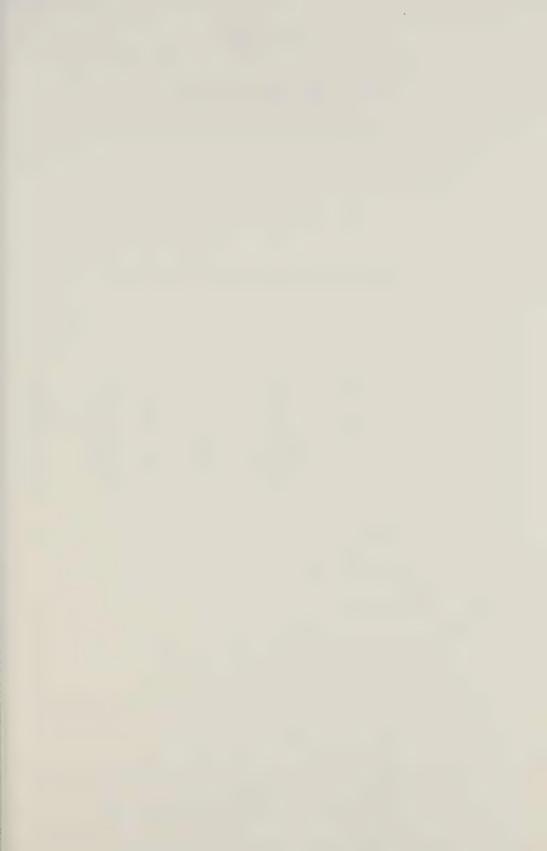
**4.** The short title of this Act is *The Income Tax Amendment Act*, 1980.

- (8) Where a principal taxpayer, instead of paying full rent for the occupation of a principal residence that he does not own, furnishes work or services to the owner or lessee of the principal taxpayer's principal residence, the value of the benefit that the principal taxpayer receives from paying less than full rent may, for the purposes of determining his occupancy cost, be included by the principal taxpayer as part of the rent that he has paid with respect to the principal residence, but the amount of such benefit may be so included only to the extent that the benefit is included as part of the principal taxpayer's income for that taxation year computed for the purpose of determining the tax payable under part I of the Federal Act by the principal taxpayer.
- (9) Notwithstanding clause f of subsection 1, if an individual occupies and inhabits with his spouse a principal residence on the last day of the taxation year, and if that individual and his spouse have the same amount of taxable income in the taxation year or have no taxable income in the taxation year, they may agree between them which of them shall claim the deduction permitted under subsection 2, and the individual thus agreed upon shall be deemed to be the principal taxpayer.

The amendments to subsection 8 of section 6b are to provide that services in lieu of rent provided by a spouse of the principal taxpayer may be taken into account in computing occupancy cost. Prior to the amendment, the subsection did not extend to services provided by a spouse of the principal taxpayer in lieu of paying full rent for their principal residence.

The new subsection 9 repeats, in clause a, the provisions of the present subsection 9 of section 6b of the Act. Clause b of the new subsection applies where a couple marry in a taxation year, and allows the spouse with the lower taxable income in that taxation year to claim as a principal taxpayer for the occupancy cost incurred by the spouse during the year and prior to the marriage. Under the  $Income\ Tax\ Act$  (Canada), the income of an individual in a taxation year prior to marriage in that year is not taken into account to affect an exemption which the other spouse may claim for that individual by reason of the marriage. The amendment parallels this situation for the computation of occupancy cost in the year of marriage.





An Act to amend The Income Tax Act

DILL 33

1st Reading
April 22nd, 1980
2nd Reading

3rd Reading

THE HON. L. MAECK Minister of Revenue

(Government Bill)

4TH SESSION, 31ST LEGISLATURE, ONTARIO
29 ELIZABETH II, 1980 Place in the second secon

An Act to amend The Income Tax Act

THE HON. L. MAECK Minister of Revenue





BILL 55 1980

### An Act to amend The Income Tax Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- **1.** Clause *i* of subsection 3 of section 3 of *The Income Tax Act*, being s. 3 (3) (i), chapter 217 of the Revised Statutes of Ontario, 1970, as re-enacted by the Statutes of Ontario, 1979, chapter 15, section 1, is repealed and the following substituted therefor:
  - (i) 44 per cent in respect of the 1977, 1978, 1979 and 1980 taxation years.
- 2.—(1) Clause a of subsection 1 of section 6b of the said Act, as s. 6b (1) (a), re-enacted by the Statutes of Ontario, 1972, chapter 146, section 2, is repealed and the following substituted therefor:
  - (a) "housing unit" includes any premises that an individual ordinarily occupies and inhabits as his residence in the taxation year, but does not include premises that are part of a chronic care facility or other similar institution that is prescribed, or that are part of any charitable institution, home for special care, home for the aged, public nursing home or private nursing home, except when such excluded premises are occupied and inhabited by an individual of a class prescribed for the purpose of this clause.
  - (2) Clause d of subsection 1 of the said section 6b, as re-enacted by  $\frac{s}{r}$ .  $\frac{6b}{r}$  (1) (d), the Statutes of Ontario, 1973, chapter 21, section 2, is repealed and the following substituted therefor:
    - (d) "occupancy cost" means,
      - (i) municipal tax paid in the taxation year in respect of a principal residence of the principal taxpayer or his spouse to the extent that such principal residence is beneficially owned by them or either of them or is held in trust for the use and occupa-

tion of them or either of them and their dependants as a principal residence, or

- (ii) 20 per cent of,
  - A. municipal tax paid in the taxation year in respect of a principal residence that is not beneficially owned by the principal tax-payer and his spouse or either of them or is not held in trust for them or either of them and their dependants, but only to the extent that such municipal tax is included by the owner of such principal residence in computing his taxable income under the Federal Act for the taxation year, and
  - B. rent paid in the taxation year for occupation of a principal residence of the principal taxpayer where such rent is paid by or on behalf of the principal taxpayer or his spouse and is calculated to exclude all payments on account of meals or board and all payments of rent for occupation prior to the 1st day of January, 1980,

and does not include any amount included as the occupancy cost of an individual for the purpose of a grant under *The Ontario Pensioners Property Tax Assistance Act*, 1980.

s. 6b (1) (f),

amended

1980, c. . . .

- (3) Clause *f* of subsection 1 of the said section 6*b*, as re-enacted by the Statutes of Ontario, 1973, chapter 21, section 2 and amended by 1973, chapter 153, section 2 and 1975, chapter 16, section 3, is further amended,
  - (a) by striking out subclause ii and inserting in lieu thereof the following:
    - (ii) under the age of twenty-one years and residing in the principal residence of a principal taxpayer or his spouse either of whom claims such individual as a dependant in that taxation year;

and

(b) by striking out "or" at the end of subclause iv, by adding "or" at the end of subclause v and by adding thereto the following subclause:

- (vi) an eligible person, as defined by *The Ontario* 1980, c. ... *Pensioners Property Tax Assistance Act, 1980*, or the spouse of such eligible person.
- (4) Clause *a* of subsection 2 of the said section 6*b*, as re-enacted by s. 6*b* (2) (*a*), the Statutes of Ontario, 1973, chapter 153, section 2 and amended by 1974, chapter 91, section 2, is further amended by adding "and" at the end thereof.
- (5) Clause *b* of subsection 2 of the said section 6*b*, as re-enacted by s. 6*b* (2) (*b*), the Statutes of Ontario, 1973, chapter 153, section 2 and amended by 1975, chapter 16, section 3 and 1976, chapter 81, section 2, is further amended,
  - (a) by striking out "or" at the end of subclause i;
  - (b) by striking out "Ontario" in the second line of subclause ii and inserting in lieu thereof "Canada" and by adding "or" at the end of the said subclause;
  - (c) by striking out "and" at the end of the said clause and by adding thereto the following subclause:
    - (iii) who, on the last day of the taxation year, is an individual entitled to receive in respect of the taxation year a grant under section 7 of The 1980, c. ... Ontario Pensioners Property Tax Assistance Act, 1980.
- (6) Clause c of subsection 2 of the said section 6b, as re-enacted by s. 6b (2) (c), the Statutes of Ontario, 1973, chapter 153, section 2 and repealed amended by 1974, chapter 91, section 2, is repealed.
- (7) Subsection 7 of the said section 6*b*, as re-enacted by the Sta- s. 6*b* (7), tutes of Ontario, 1973, chapter 21, section 2, is repealed and re-enacted the following substituted therefor:
- (7) Where two or more principal taxpayers together occupy and Joint inhabit the same principal residence in the taxation year, the occupancy cost thereof shall be allocated to each such principal residence taxpayer according to his beneficial ownership in the principal residence or according to the portion of the rent for the principal residence that was paid in respect of the occupation thereof by each such principal taxpayer in the taxation year, as the case may be.
- (8) Subsections 8 and 9 of the said section 6*b*, as re-enacted by the s. 6*b* (8, 9), Statutes of Ontario, 1972, chapter 146, section 2, are repealed and the following substituted therefor:

Imputed rent

(8) Where a principal taxpayer or his spouse, instead of paying full rent for the occupation of their principal residence that is not owned by them or either of them, furnishes work or services to the owner or lessee of the principal taxpayer's principal residence, the value of the benefit that the principal taxpayer or his spouse receives from paying less than full rent may, for the purposes of determining the principal taxpayer's occupancy cost, be included by the principal taxpayer as part of the rent that he or his spouse has paid with respect to their principal residence, but the amount of such benefit may be so included only to the extent that the benefit is included as part of the income of the principal taxpayer or his spouse for that taxation year computed for the purpose of determining the tax payable under Part I of the Federal Act by either of them.

Deemed principal taxpayer

- (9) Notwithstanding clause f of subsection 1, if an individual occupies and inhabits with his spouse a principal residence on the last day of the taxation year, and,
  - (a) if that individual and his spouse have the same amount of taxable income in the taxation year or have no taxable income in the taxation year, they may agree between them which of them shall claim the deduction permitted under subsection 2, and the individual thus agreed upon shall be deemed to be the principal taxpayer; and
  - (b) if the individual and his spouse married in that taxation year, the spouse having the lower taxable income and not otherwise disqualified as a principal taxpayer under clause f of subsection 1 shall be deemed to be a principal taxpayer in respect of occupancy cost for a principal residence inhabited by that spouse in the taxation year and prior to the marriage, provided that such occupancy cost is not included in the occupancy cost of the other spouse.

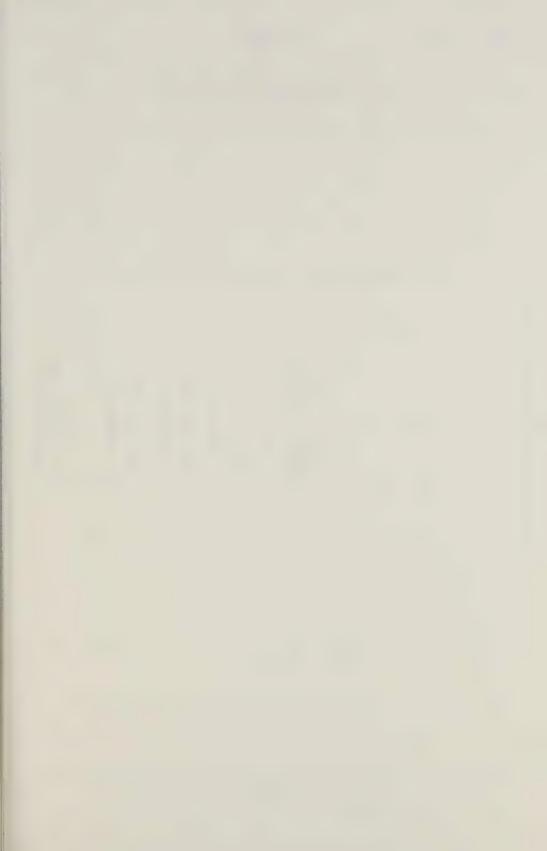
Commencement **3.**—(1) This Act, except section 2, shall be deemed to have come into force on the 1st day of January, 1980.

Idem

(2) Section 2 comes into force on the 1st day of July, 1980 and applies in respect of any taxation year of an individual ending on or after that date.

Short title

**4.** The short title of this Act is *The Income Tax Amendment Act*, 1980.



An Act to amend The Income Tax Act

1st Reading April 22nd, 1980

2nd Reading
June 16th, 1980

3rd Reading June 17th, 1980

THE HON. L. MAECK Minister of Revenue

4TH SESSION, 31ST LEGISLATURE, ONTARIO
29 ELIZABETH II, 1980 The gistaline Acres

An Act to amend The Territorial Division Act

THE HON. R. McMurtry Attorney General

#### EXPLANATORY NOTES

#### SECTION 1. Section 7 of the Act now reads:

7. For judicial purposes, the Municipality of Metropolitan Toronto and The Regional Municipality of York are combined to form the Judicial District of York.

The effect of the re-enactment is to create, on the day this Act is proclaimed in force, the new Judicial District of York Region composed of all the area included within The Regional Municipality of York; the Judicial District of York from that date will be composed of all the area included within The Municipality of Metropolitan Toronto.

Section 2. Transitional provisions are included respecting proceedings commenced before this Act comes into force and in respect of writs of execution delivered to the sheriff for the Judicial District of York before this Act comes into force or delivered to either sheriff after this Act comes into force.

Existing liens for bail in respect of lands situate within the Judicial District of York Region secured by a certificate delivered to the sheriff of the Judicial District of York before the day this Act comes into force cease to have effect after the expiry of six years from that day unless the certificate is delivered to the sheriff for the Judicial District of York Region.

BILL 56 1980

#### An Act to amend The Territorial Division Act

**T**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1. Section 7 of The Territorial Division Act, being chapter 458 of the s. 7, Revised Statutes of Ontario, 1970, is repealed and the following re-enacted substituted therefor-
  - 7. For judicial purposes, The Municipality of Metropolitan Judicial Toronto forms the Judicial District of York.
  - 7a. For judicial purposes, The Regional Municipality of York Judicial forms the Judicial District of York Region.
- 2.—(1) The sheriff and every court and judicial officer having ter- Proceedings ritorial jurisdiction in the Judicial District of York before this Act comes into force continue to have such jurisdiction in respect of proceedings commenced before this Act comes into force.
  - (2) A writ of execution against goods and lands delivered for Effect of execution to the sheriff for the Judicial District of York before binding this Act comes into force, or to the sheriff for the Judicial goods and lands District of York or the Judicial District of York Region after this Act comes into force and before a day to be named by order of the Lieutenant Governor in Council shall be deemed to have been simultaneously delivered for execution to the sheriff for each of the judicial districts of York and York Region.
  - (3) A writ referred to in subsection 2 that was delivered for execu-Renewal tion to the sheriff for the Judicial District of York may be of writs of execution renewed in respect of goods and lands situate in the Judicial District of York Region by filing with the sheriff for that judicial district a copy of the writ certified by the sheriff for the Judicial District of York, together with such other material as is required by law.

Idem

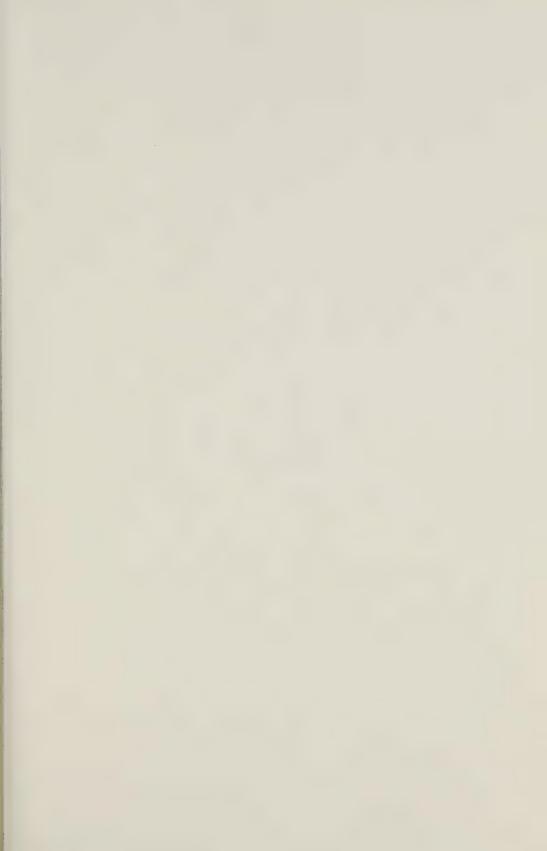
(4) A writ referred to in subsection 2 that was delivered for execution to the sheriff for the Judicial District of York Region may be renewed in respect of goods and lands situate in the Judicial District of York by filing with the sheriff for that judicial district a copy of the writ certified by the sheriff for the Judicial District of York Region, together with such other material as is required by law.

Liens for bail R.S.O. 1970, c. 37 (5) A lien for bail under *The Bail Act* in respect of land situate in the Judicial District of York Region that was secured by a certificate of lien delivered to the sheriff for the Judicial District of York before the day this Act comes into force ceases to have effect six years after that day unless within that time the certificate of lien is delivered to the sheriff for the Judicial District of York Region.

Commencement **3.** This Act comes into force on a day to be named by proclamation of the Lieutenant Governor.

Short title

**4.** The short title of this Act is *The Territorial Division Amendment Act*, 1980.







# An Act to amend The Territorial Division Act

1st Reading
April 24th, 1980
2nd Reading

3rd Reading

THE HON. R. McMurtry Attorney General

(Government Bill)

4TH SESSION, 31ST LEGISLATURE, ONTARIO
29 ELIZABETH II, 1980

## An Act to amend The Territorial Division Act

THE HON. R. McMurtry Attorney General



(Reprinted as amended by the Committee of the Whole House)

#### EXPLANATORY NOTES

SECTION 1. Section 7 of the Act now reads:

7. For judicial purposes, the Municipality of Metropolitan Toronto and The Regional Municipality of York are combined to form the Judicial District of York.

The effect of the re-enactment is to create, on the day this Act is proclaimed in force, the new Judicial District of York Region composed of all the area included within The Regional Municipality of York; the Judicial District of York from that date will be composed of all the area included within The Municipality of Metropolitan Toronto.

SECTION 2. Transitional provisions are included respecting proceedings commenced before this Act comes into force and in respect of writs of execution delivered to the sheriff for the Judicial District of York before this Act comes into force or delivered to either sheriff after this Act comes into force.

Existing liens for bail or for a contribution towards the cost of legal aid in respect of lands situate within the Judicial District of York Region secured by a certificate delivered to the sheriff of the Judicial District of York before the day this Act comes into force cease to have effect after the expiry of six years from that day unless the certificate is delivered to the sheriff for the Judicial District of York Region.

BILL 56

1980

### An Act to amend The Territorial Division Act

FER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1. Section 7 of The Territorial Division Act, being chapter 458 of the s. 7, Revised Statutes of Ontario, 1970, is repealed and the following re-enacted substituted therefor-
  - 7. For judicial purposes, The Municipality of Metropolitan Judicial Toronto forms the Judicial District of York.
  - 7a. For judicial purposes, The Regional Municipality of York Judicial forms the Judicial District of York Region. York Region
- 2.—(1) The sheriff and every court and judicial officer having ter-Proceedings ritorial jurisdiction in the Judicial District of York before this Act comes into force continue to have such jurisdiction in respect of proceedings commenced before this Act comes into force.

- (2) A writ of execution against goods and lands delivered for Effect of execution to the sheriff for the Judicial District of York before execution this Act comes into force, or to the sheriff for the Judicial goods and District of York or the Judicial District of York Region after this Act comes into force and before a day to be named by order of the Lieutenant Governor in Council shall be deemed to have been simultaneously delivered for execution to the sheriff for each of the judicial districts of York and York Region.

(3) A writ referred to in subsection 2 that was delivered for execu-Renewal tion to the sheriff for the Judicial District of York may be of writs of execution renewed in respect of goods and lands situate in the Judicial District of York Region by filing with the sheriff for that judicial district a copy of the writ certified by the sheriff for the Judicial District of York, together with such other material as is required by law.

Idem

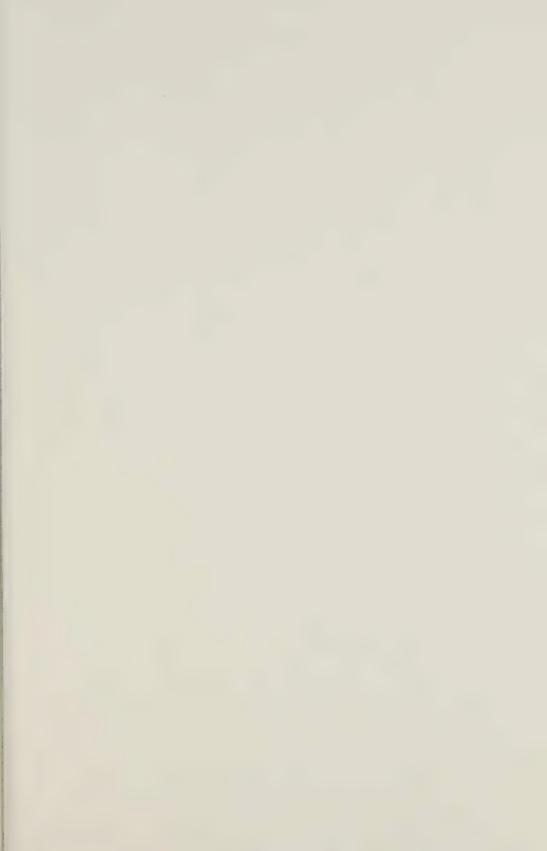
(4) A writ referred to in subsection 2 that was delivered for execution to the sheriff for the Judicial District of York Region may be renewed in respect of goods and lands situate in the Judicial District of York by filing with the sheriff for that judicial district a copy of the writ certified by the sheriff for the Judicial District of York Region, together with such other material as is required by law.

Liens for bail R.S.O. 1970, cc. 37, 239 (5) A lien for bail under *The Bail Act* or a lien for an agreed contribution towards the cost of legal aid under *The Legal Aid Act* in respect of land situate in the Judicial District of York Region that was secured by a certificate of lien delivered to the sheriff for the Judicial District of York before the day this Act comes into force ceases to have effect six years after that day unless within that time the certificate of lien is delivered to the sheriff for the Judicial District of York Region.

Commencement **3.** This Act comes into force on a day to be named by proclamation of the Lieutenant Governor.

Short title

4. The short title of this Act is The Territorial Division Amendment Act, 1980.







An Act to amend The Territorial Division Act

1st Reading
April 24th, 1980
2nd Reading
May 13th, 1980

3rd Reading

THE HON. R. McMurtry Attorney General

(Reprinted as amended by the Committee of the Whole House)

B56

Publications

4TH SESSION, 31ST LEGISLATURE, ONTARIO
29 ELIZABETH II, 1980 Regislation A

An Act to amend The Territorial Division Act

THE HON. R. MCMURTRY Attorney General





BILL 56

1980

#### An Act to amend The Territorial Division Act

TER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1. Section 7 of The Territorial Division Act, being chapter 458 of the s. 7. Revised Statutes of Ontario, 1970, is repealed and the following re-enacted substituted therefor:
  - 7. For judicial purposes, The Municipality of Metropolitan Judicial Toronto forms the Judicial District of York.
  - 7a. For judicial purposes, The Regional Municipality of York Judicial forms the Judicial District of York Region.
- 2.—(1) The sheriff and every court and judicial officer having ter-Proceedings ritorial jurisdiction in the Judicial District of York before this Act comes into force continue to have such jurisdiction in respect of proceedings commenced before this Act comes into force.

(2) A writ of execution against goods and lands delivered for Effect of execution to the sheriff for the Judicial District of York before binding this Act comes into force, or to the sheriff for the Judicial goods and District of York or the Judicial District of York Region after this Act comes into force and before a day to be named by order of the Lieutenant Governor in Council shall be deemed to have been simultaneously delivered for execution to the sheriff for each of the judicial districts of York and York Region.

(3) A writ referred to in subsection 2 that was delivered for execu-Renewal tion to the sheriff for the Judicial District of York may be of writs renewed in respect of goods and lands situate in the Judicial District of York Region by filing with the sheriff for that judicial district a copy of the writ certified by the sheriff for the Judicial District of York, together with such other material as is required by law.

Idem

(4) A writ referred to in subsection 2 that was delivered for execution to the sheriff for the Judicial District of York Region may be renewed in respect of goods and lands situate in the Judicial District of York by filing with the sheriff for that judicial district a copy of the writ certified by the sheriff for the Judicial District of York Region, together with such other material as is required by law.

Liens for bail R.S.O. 1970, cc. 37, 239

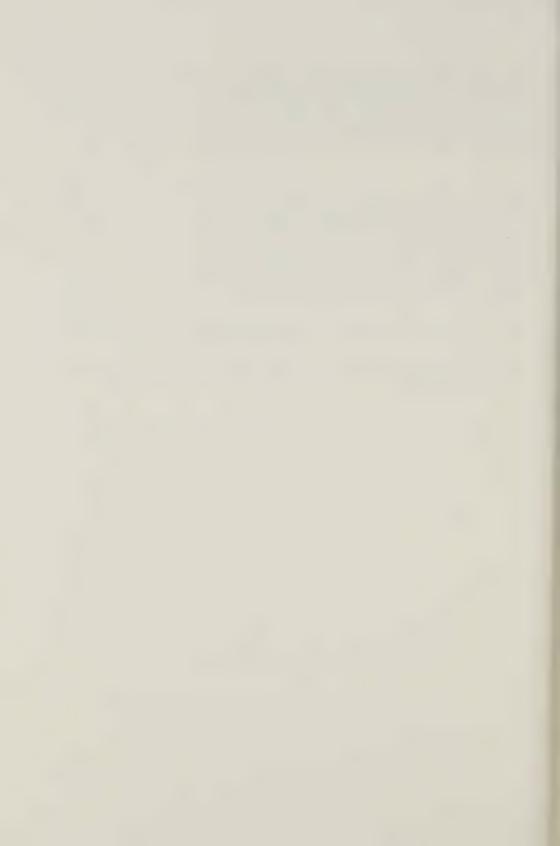
(5) A lien for bail under *The Bail Act* or a lien for an agreed contribution towards the cost of legal aid under *The Legal Aid Act* in respect of land situate in the Judicial District of York Region that was secured by a certificate of lien delivered to the sheriff for the Judicial District of York before the day this Act comes into force ceases to have effect six years after that day unless within that time the certificate of lien is delivered to the sheriff for the Judicial District of York Region.

Commencement **3.** This Act comes into force on a day to be named by proclamation of the Lieutenant Governor.

Short title

**4.** The short title of this Act is *The Territorial Division Amendment Act*, 1980.







An Act to amend The Territorial Division Act

1st Reading April 24th, 1980

2nd Reading May 13th, 1980

3rd Reading May 16th, 1980

THE HON. R. McMurtry Attorney General 4TH SESSION, 31ST LEGISLATURE, ONTARIO
29 ELIZABETH II, 1980 Legisladire As

An Act to amend The Municipality of Metropolitan Toronto Act

MR. EPP



#### An Act to amend The Municipality of Metropolitan Toronto Act

[ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 210 of The Municipality of Metropolitan Toronto Act, being s. 210, chapter 295 of the Revised Statutes of Ontario, 1970, is repealed and the following substituted therefor:

1980

210.—(1) For the purposes of section 204, all land comprising Lands on Toronto Islands owned by the City of Toronto, except Algonquin Islands Island and Ward Island, and all rights of the City of Toronto to use transferred to Metroand occupy land comprising Toronto Islands owned by The politan Toronto Harbour Commissioners, except Algonquin Island, ation Ward Island and such portions of all such lands as are set aside and used or required for the purposes of the Toronto Island Airport, are vested in the Metropolitan Corporation as of the 1st day of January, 1956, subject to the provisions of then existing leases, and, subject to subsection 3, no compensation or damages shall be payable to the City of Toronto.

(2) That portion of the Toronto Islands known as Algonquin Algonquin Island and Ward Island vested in the Metropolitan Corporation as Ward Island of the 1st day of January, 1956, is vested in the City of Toronto on transferred the day this Act receives Royal Assent, subject to the provisions of Toronto then existing leases, and, subject to subsection 4, no compensation or damages shall be payable to the Metropolitan Corporation.

(3) The Metropolitan Corporation shall pay to the City of Metropolitan Toronto,

Corporation

(a) before the due date all amounts of principal and interest becoming due upon any outstanding debentures issued by the City of Toronto for the purposes of the land and rights vested by subsection 1 in the Metropolitan Corporation;

- (b) the amount approved by the Municipal Board and expended by the City of Toronto, but not debentured, for acquisition of leasehold interests and clearing of sites;
- (c) such amount for personal property, exclusive of leaseholds, transferred to the Metropolitan Corporation as may be mutually agreed upon between the Metropolitan Corporation and the City of Toronto; and
- (d) the amount of the expenses incurred by the City of Toronto after the 1st day of January, 1956, with respect to the operation and maintenance of the land and rights vested by subsection 1 in the Metropolitan Corporation.

City of Toronto liability

- (4) The City of Toronto shall pay to the Metropolitan Corporation.
  - (a) such amount for personal property transferred to the City of Toronto for the purposes of the land and rights vested by subsection 2 in the City of Toronto as may be mutually agreed upon between the City of Toronto and the Metropolitan Corporation; and
  - (b) the amount of the expenses incurred by the Metropolitan Corporation after the day this Act receives Royal Assent, with respect to the operation and maintenance of the land and rights vested by subsection 2 in the City of Toronto.

Use by City of Toronto (5) Where any portion of the land and rights vested by subsection 1 in the Metropolitan Corporation is being used by the City of Toronto for the purpose of providing municipal services other than park and recreational services, the City of Toronto may continue to use such portion rent free so long as it is required to provide such municipal services.

Metropolitan Corporation liable for lighting, etc. (6) The Metropolitan Corporation shall pay to the City of Toronto annually such amount for the lighting, refuse collection and disposal services provided by the City of Toronto in respect of the land and rights vested by subsection 1 in the Metropolitan Corporation as may be mutually agreed upon between the Metropolitan Corporation and the City of Toronto.

Lands not used for park purposes (7) If any of the land vested by subsection 1 in the Metropolitan Corporation any any land comprising Toronto Islands, which is hereafter conveyed by The Toronto Harbour Commissioners to the Metropolitan Corporation, ceases to be used for any of the purposes of section 204, the Metropolitan Corporation shall thereupon transfer such land to the City of Toronto and no compensation or damages shall be payable to the Metropolitan Corporation.

poration in respect thereof; provided this subsection does not apply to any land so long as it continues to be used as at the 1st day of January, 1956, under any then existing lease or renewal or extension thereof.

(8) In the event of any doubt as to whether any outstanding Settling debenture or portion thereof was issued for the purposes of the land and rights vested by subsection 1 in the Metropolitan Corporation or of failure to agree as to the amount to be paid for the personal property transferred to the Metropolitan Corporation or the City of Toronto or as to the amount to be paid for lighting. refuse collection and disposal services provided by the City of Toronto, the Municipal Board, upon application, may determine the matter, and its decision is final.

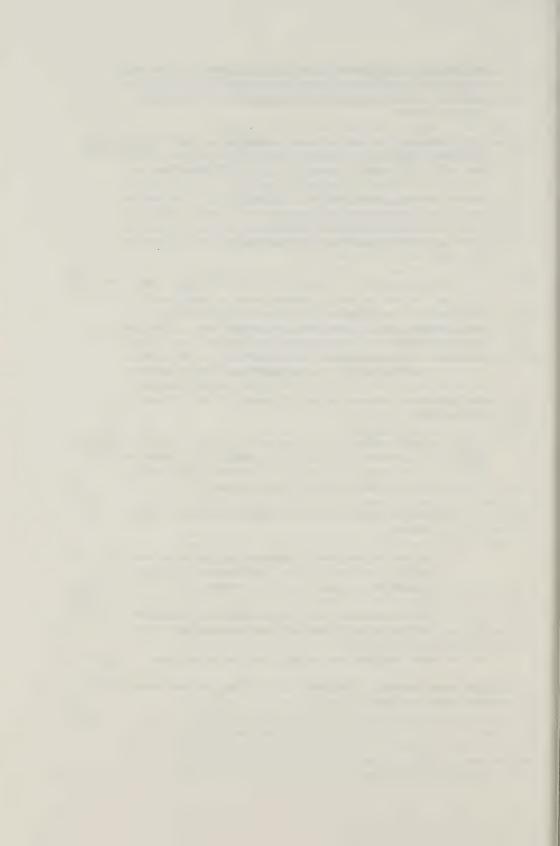
(9) Notwithstanding any other provision in this Act, the Met-Ferry ropolitan Corporation shall establish, maintain and operate a ferry service for providing access to the Toronto Islands and, for such purposes, the Metropolitan Corporation may assume the rights, equipment and other assets of the Toronto Transit Commission used in providing such service subject only to the payment of any outstanding liability in respect thereto and such adjustment as the Metropolitan Corporation may determine and may enter into agreements with any person with respect to the provision of such service.

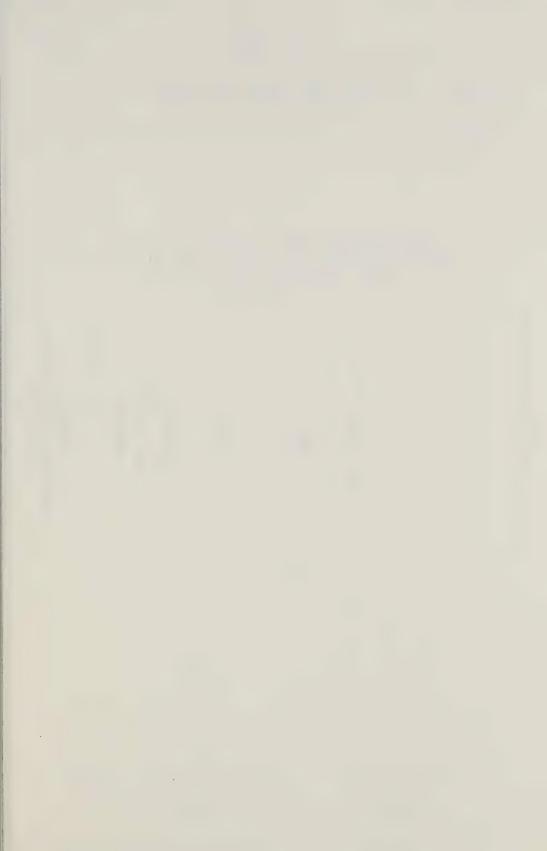
(10) Notwithstanding any other provision in this Act, the Met-Bus system ropolitan Corporation may establish, maintain and operate a Islands public bus transportation system on the Toronto Islands and for such purposes the Metropolitan Corporation may,

- (a) maintain and operate buses for the conveyance of passengers;
- (b) acquire by purchase or otherwise any real or personal property required for the establishment, operation, maintenance or extension of the system; and
- (c) fix transportation fares and tolls and make regulations with respect to the operation and control of the system.
- 2. This Act comes into force on the day it receives Royal Assent.

Commence-

3. This Act may be cited as The Municipality of Metropolitan Toronto Short title Amendment Act, 1980.





## An Act to amend The Municipality of Metropolitan Toronto Act

DILL OI

1st Reading April 25th, 1980

2nd Reading

3rd Reading

MR. EPP

(Private Member's Bill)

TBILL 58

4TH SESSION, 31ST LEGISLATURE, ONTARIO 29 ELIZABETH II, 1980 The

An Act for granting to Her Majesty certain additional sums of money for the Public Service for the fiscal year ending the 31st day of March, 1980

> THE HON. F. S. MILLER Treasurer of Ontario and Minister of Economics



BILL 58 1980

An Act for granting to Her Majesty certain additional sums of money for the Public Service for the fiscal year ending the 31st day of March, 1980

Most Gracious Sovereign:

WHEREAS it appears by messages from the Honourable Preamble Pauline M. McGibbon, Lieutenant Governor of the Province of Ontario, and the estimates accompanying the same, that the sums mentioned in the Schedule to this Act are required to defray certain charges and expenses of the public service of this Province, not otherwise provided for, for the fiscal year ending the 31st day of March, 1980; may it therefore please Your Majesty that it be enacted and it is hereby enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, as follows:

1.—(1) In addition to the sum of \$13,675,551,800 granted by \$393,185,700 The Supply Act, 1979, being chapter 115, there may be paid out of fiscal year the Consolidated Revenue Fund a sum not exceeding in the whole 1979-80 \$393,185,700 to be applied towards defraying the several charges 1979, c. 115 and expenses of the public service, not otherwise provided for, from the 1st day of April, 1979, to the 31st day of March, 1980, as set forth in the Schedule to this Act, and, subject to subsection 2, such sum shall be paid and applied only in accordance with the votes and items of the supplementary estimates upon which the Schedule is based.

(2) Where, in the fiscal year ending the 31st day of March, Exception 1980, powers and duties are assigned and transferred from one Minister of the Crown to another Minister of the Crown, the appropriate sums in the votes and items of the estimates upon which the Schedule is based that are approved to defray the charges and expenses of the public service in the exercise and performance of such powers and duties, may be assigned and transferred from time to time as required by certificate of the Management Board of Cabinet to the ministry administered by the minister to whom the powers and duties are so assigned and transferred.

Accounting for expenditure

**2.** The due application of all moneys expended under this Act shall be accounted for to Her Majesty.

Commencement 3. This Act comes into force on the day it receives Royal Assent.

Short title

4. The short title of this Act is The Supply Act, 1980.

## SCHEDULE

Government Services	\$ 56,450,000
Intergovernmental Affairs	135,000,000
Northern Affairs	3,200,000
Natural Resources	6,450,000
Transportation and Communications	15,450,000
Colleges and Universities	10,735,700
Community and Social Services	17,500,000
Culture and Recreation	15,000,000
Education	67,900,000
Health	65,500,000
TOTAL	\$393,185,700





An Act for granting to Her Majesty certain additional sums of money for the Public Service for the fiscal year ending the 31st day of March, 1980

1st Reading

April 25th, 1980

2nd Reading April 25th, 1980

3rd Reading

April 25th, 1980

THE HON. F. S. MILLER Treasurer of Ontario and Minister of Economics

LB

COAPLITIEN

Government Bill

4TH SESSION, 31ST LEGISLATURE, ONTARIO 29 ELIZABETH II, 1980

An Act to amend The Game and Fish Act

THE HON. J. A. C. AULD Minister of Natural Resources

#### EXPLANATORY NOTES

Section 1. Subsections 1, 3 and 5 of section 1 add definitions to section 1 of the Act that are complementary to other sections of the Bill.

Subsection 2. Paragraph 2 of section 1 of the Act now reads as follows:

2. "deer" includes wapiti (commonly called elk).

Later sections of the Bill make "elk" a separate species.

Subsection 4. Paragraph 20 of section 1 of the Act now reads as follows:

20. "officer" means a Conservation Officer or a Deputy Conservation Officer and includes a member of the Royal Canadian Mounted Police Force or the Ontario Provincial Police Force or any other person authorized to enforce this Act.

The definition of "officer" is enlarged to include a member of any police force appointed under  $The\ Police\ Act.$ 

BILL 59

1980

# An Act to amend The Game and Fish Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1.—(1) Section 1 of *The Game and Fish Act*, being chapter 186 of the s. 1, Revised Statutes of Ontario, 1970, as amended by the Statutes of Ontario, 1971, chapter 30, section 1 and 1973, chapter 108, section 1, is further amended by renumbering paragraph 1 as paragraph 1a, by renumbering paragraph 1a as paragraph 1c and by adding thereto the following paragraphs:
  - 1. "amphibian" means any species of Amphibia that the Lieutenant Governor in Council declares to be an amphibian and includes any part and the eggs of such species.
  - 1b. "body-gripping trap" means a trap designed to capture an animal by seizing and holding the animal by any part of its body but does not include a trap designed to capture a mouse or a rat.
  - (2) Paragraph 2 of the said section 1 is repealed.

s. 1, par. 2, repealed

- (3) The said section 1 is further amended by adding thereto the s. 1, following paragraph:
  - 16a. "leg-hold trap" means a trap designed to capture an animal by seizing and holding the animal by the leg or foot.
- (4) Paragraph 20 of the said section 1 is repealed and the following s. 1, par. 20, substituted therefor:
  - 20. "officer" means a conservation officer or a deputy conservation officer and includes a member of the Royal

R.S.O. 1970,

Canadian Mounted Police Force, a member of a police force appointed under *The Police Act* and any other person authorized to enforce this Act.

s. 1, amended

- (5) The said section 1 is further amended by adding thereto the following paragraphs:
  - 25a. "power-boat" means any device that is capable of floating and to which is affixed a motor as a means of propulsion and includes any floating device towed by a power-boat.

. . . .

27a. "reptile" means any species of Reptilia that the Lieutenant Governor in Council declares to be a reptile and includes any part and the eggs of such species.

s. 1, par. 30, re-enacted

- (6) Paragraph 30 of the said section 1 is repealed and the following substituted therefor:
  - 30. "trap" means a spring trap, body-gripping trap, leg-hold trap, gin, deadfall, snare, box or net used to capture an animal, and "trapping" has a corresponding meaning.

s. 2(1)(b), re-enacted

**2.**—(1) Clause *b* of subsection 1 of section 2 of the said Act is repealed and the following substituted therefor:

1971, c. 52

(b) to a person taking or destroying any animal, other than a caribou, deer, elk or moose or an animal protected under *The Endangered Species Act*, 1971, by any means and at any time on his own land where he finds such animal damaging or destroying his property or, on reasonable grounds, he believes such animal is about to damage or destroy his property.

s. 2, amended (2) The said section 2, as amended by the Statutes of Ontario, 1971, chapter 30, section 2, is further amended by adding thereto the following subsection:

Idem

(3) Notwithstanding subsection 1, this Act applies to domestic animals and to persons referred to in clause b of section 1 in respect of the restrictions in section 29a on the use of body-gripping traps and leg-hold traps.

s. 7 (2), re-enacted **3.** Subsection 2 of section 7 of the said Act is repealed and the following substituted therefor:

Deputy conservation officers (2) The Minister may appoint deputy conservation officers in and for any part of Ontario.

Subsection 6. Paragraph 30 of section 1 of the Act defines "trap".

The paragraph is re-enacted to include a body-gripping trap and a leg-hold trap and to change the reference to "game" to a reference to "an animal".

Section 2.—Subsection 1. Clause b of subsection 1 of section 2 of the Act now reads as follows:

2.—(1) This Act does not apply,

(b) to a person taking or destroying a hawk, kingfisher or owl or any animal, other than a caribou, deer or moose, on his own lands in defence or preservation of his property by any means at any time; or

The exception in clause b is extended to elk and any animal protected under *The Endangered Species Act, 1971*, and the reference to a hawk, kingfisher or owl is removed.

Subsection 2. The new subsection is complementary to the new section 29a of the Act (section 9 of the Bill).

Section 3. Subsection 2 of section 7 of the Act now reads as follows:

(2) The Minister may appoint deputy conservation officers in and for any part of Ontario to serve without remuneration.

The words "to serve without remuneration" are deleted.

#### SECTION 4. Section 16 of the Act now reads as follows:

- 16.—(1) Any game or fish suspected of having been taken or possessed and any thing, except an aircraft, vehicle or vessel, suspected of having been used in contravention of this Act or the regulations shall be seized.
  - (2) An aircraft, vehicle or vessel,
    - (a) suspected of having been used; or
    - (b) used in transporting game or fish suspected of having been taken or possessed,

in contravention of this Act or the regulations may be seized.

(3) Upon conviction, any property seized under this section is forfeited to the Crown in right of Ontario as represented by the Minister.

The section is re-enacted to make seizure permissive in all instances and to clarify the procedures for dealing with property that has been seized.

- 4. Section 16 of the said Act is repealed and the following substituted s. 16, therefor:
  - 16.—(1) An officer may, without a warrant, seize any vessel, Seizure of vehicle, aircraft, implement, appliance, material, container, goods, equipment, game or fish where the officer on reasonable grounds believes that.
    - (a) the vessel, vehicle, aircraft, implement, appliance, material, container, goods or equipment has been used in connection with the commission of an offence against this Act:
    - (b) the game or fish or any part thereof has been hunted, taken, killed, transported, bought, sold or had in possession contrary to any provision of this Act or the regulations; or
    - (c) the game or fish or part thereof has been intermixed with any game or fish referred to in clause b.
  - (2) Subject to subsections 4, 5 and 6, any thing seized under Custody of subsection 1 shall be delivered into the custody of such person as seized the Minister directs for safekeeping pending the conclusion of any investigation or the disposition by a court of any charge laid as a result of the investigation.
    - (3) Where,

Disposition of property seized where

- (a) no charge is laid at the conclusion of an investigation; or no charges are laid, etc
- (b) any charge that has been laid is withdrawn or dismissed,

any thing seized under subsection 1, other than game or fish that has been disposed of under subsection 4, shall be returned to the person from whom it was seized or to his personal representative.

(4) Where, in the opinion of the person having custody of any Disposition game or fish seized under subsection 1, such game or fish will rot, property spoil or otherwise perish, that person may dispose of the game or seized fish by donation to any charitable organization.

(5) Where the ownership of any implement, appliance, materi- Disposition al, container, goods, equipment, game or fish seized under sub- of property seized section 1 cannot, at the time of seizure, be ascertained, such implement, appliance, material, container, goods, equipment, game or fish is, upon the seizure thereof, forfeited to the Crown in right of Ontario as represented by the Minister and may be disposed of as the Minister directs.

Forfeiture of property seized (6) Where a person is convicted of an offence against this Act, the court, in addition to any fine imposed, may order that any vessel, vehicle, aircraft, implement, appliance, material, container, goods, equipment, game or fish seized under subsection 1 be forfeited, and upon such order being made, such vessel, vehicle, aircraft, impliment, appliance, material, container, goods, equipment, game or fish ordered to be forfeited is forfeited to the Crown in right of Ontario as represented by the Minister and may be disposed of as the Minister directs.

s. 17, re-enacted **5.** Section 17 of the said Act is repealed and the following substituted therefor:

Hunting or trapping for hire

- 17.—(1) Except with the written authority of the Minister and subject to such terms and conditions as he may impose, no person shall,
  - (a) hunt for hire, gain or reward, or hope thereof, or employ, hire or, for valuable consideration, induce any other person to hunt; or
  - (b) trap for hire, gain or reward, or hope thereof, or employ, hire or, for valuable consideration, induce any other person to trap.

Exception

(2) Clause b of subsection 1 does not apply to the holder of a licence to hunt or trap fur-bearing animals or a person who is nominated by the holder of the licence in accordance with the regulations to trap in his stead.

s. 19, amended **6.** Section 19 of the said Act is amended by striking out "\$1,000" in the sixth line and inserting in lieu thereof "\$5,000".

s. 21, amended **7.** Section 21 of the said Act is amended by adding thereto the following subsection:

Hunting from a stationary vehicle or power-boat (2a) Notwithstanding clause a of subsection 1 and subsection 2, if the Minister is satisfied that the holder of a licence to hunt is incapable of walking and is thereby required to use a wheelchair or other similar means of locomotion, he may in writing authorize that person to have a loaded fire-arm in or on, and to discharge a loaded fire-arm from, a vehicle or power-boat that is not in motion.

s. 24, re-enacted **8.** Section 24 of the said Act is repealed and the following substituted therefor:

Exception, raccoon hunting

24. Subject to section 21 and notwithstanding section 23, the holder of a licence to hunt raccoon at night may possess or use a fire-arm of a calibre or type prescribed in the regulations and a light for the purpose of hunting raccoon during the open season

#### Section 5. Section 17 of the Act now reads as follows:

17. No person shall for hire, gain or reward, or hope thereof, hunt game, or employ, hire or, for valuable consideration, induce any other person to hunt game.

The section is re-enacted to permit the Minister to authorize certain activities that are now prohibited.

#### Section 6. Section 19 of the Act now reads as follows:

19. Every person is guilty of the offence of hunting carelessly who, being in possession of a fire-arm for the purpose of hunting, discharges or causes to be discharged or hundles such fire-arm without due care and attention or without reasonable consideration for persons or property and is liable to a fine of not more than \$1,000, or to imprisonment for a term of not more than one year, or to both.

The maximum fine is increased from \$1,000 to \$5,000.

#### Section 7. Subsections 1 and 2 of section 21 of the Act now read as follows:

- No person, while engaged in hunting or trapping game or while going to or returning from a hunting camp or locality in which game may be found, shall,
  - (a) have a loaded fire-arm in or on, or discharge a loaded fire-arm from, an aircraft or a vehicle: or
  - (b) in any county designated in the regulations, discharge a fire-arm from or across a highway, road, street, avenue, parkway, driveway, square, place, bridge, viaduct or trestle, used or intended for use by the public for the passage of vehicles; or
  - (c) in any part of Ontario that is not in a county designated in the regulations, discharge a fire-arm from or across the travelled portion of a highway, road, street, avenue, parkway, driveway, square, place, bridge, viaduct or trestle, used or intended for use by the public for the passage of vehicles.
- (2) Except as otherwise provided in the Migratory Birds Convention Act (Canada) or the regulations made under that Act, no person shall have a loaded fire-arm in or on or discharge the same from a power-boat.

The new subsection 2a permits the Minister to authorize a person who is incapable of walking and is required to use a wheelchair to have a loaded fire-arm in and discharge a loaded fire-arm from a vehicle or power-boat that is not in motion.

#### Section 8. Section 24 of the Act now reads as follows:

24. Notwithstanding section 23, the holder of a licence to hunt raccoon at night may possess or use a fire-arm of a calibre or type prescribed in the regulations or a light for the purpose of hunting raccoon at night during the open season therefor when accompanied by a dog licensed therefor.

The section is re-enacted to clarify that a person hunting raccoon is subject to section 21 of the Act and to prohibit the use of a light that is attached to or shone from a vehicle.

Section 9. The new section 24a defines "chase" and provides for the chasing of a raccoon, fox, coyote and wolf.

The new section 29a prohibits, with certain exceptions, the use of body-gripping and leg-hold traps.

therefor when accompanied by a dog licensed therefor, provided that no person, while so hunting, shall use a light that is attached to a vehicle or is shone from or in a vehicle.

- **9.** The said Act is amended by adding thereto the following sections: ss. 24a, 29a, enacted
  - 24a.—(1) In this section, "chase" includes pursuing, following Interpreafter and searching for but does not include taking or capturing, shooting at or shooting.
  - (2) The holder of a licence to chase raccoon at night may chase Licence raccoon at night during such times and upon such terms and raccoon conditions as are prescribed in the regulations.
  - (3) The holder of a licence to chase fox, coyote or wolf may Licence to chase fox, coyote or wolf, as the case may be, during the day or chase fox, night at such times and upon such terms and conditions as are prescribed in the regulations.
  - 29a.—(1) In this section, "animal" includes any domestic, fur- Interpretation or game animal.
  - (2) No person shall trap or attempt to trap any animal by means Prohibition of a body-gripping trap or leg-hold trap.
    - (3) Subsection 2 does not apply,

Exceptions

- (a) to a person who holds a licence to hunt or trap fur-bearing animals;
- (b) to a farmer who uses a body-gripping trap or leg-hold trap on his own lands in defence or preservation of his property or in circumstances referred to in subsection 6 of section 58;
- (c) to a person who uses a body-gripping trap or leg-hold trap designated by the Minister as a humane trap.
- (4) The Minister may, with the approval of the Lieutenant Minister may mal Governor in Council, make an order designating areas or order municipalities in Ontario in which the prohibition set out in subsection 2 does not apply.
- (5) The Minister may, with the approval of the Lieutenant <sup>Idem</sup> Governor in Council, make an order designating any body-gripping trap or leg-hold trap as a humane trap for the purpose of clause c of subsection 3.

s. 36 (8), re-enacted **10.** Subsection 8 of section 36 of the said Act, as re-enacted by the Statutes of Ontario, 1973, chapter 108, section 4, is repealed and the following substituted therefor:

Wearing of badge

(8) The holder of a licence of a class designated in the regulations shall, while hunting in such parts of Ontario as are prescribed in the regulations, wear in a conspicuous place on his person a badge furnished by the Ministry clearly showing the number of the licence.

s. 36c, amended **11.** Section 36c of the said Act, as enacted by the Statutes of Ontario, 1973, chapter 108, section 5, is amended by adding thereto the following subsection:

Refund of fees

- (3) The Minister may direct the refund, in whole or in part, of the fee paid for any licence that has been cancelled under this Act.
- s. 40 (5), amended
- **12.** Subsection 5 of section 40 of the said Act is amended by inserting after "deer" in the first line "elk".
- s. 42 (1), amended
- **13.**—(1) Subsection 1 of section 42 of the said Act is amended by inserting after "deer" in the fourth line "elk".
- s. 42 (2), amended
- (2) Subsection 2 of the said section 42 is amended by inserting after "deer" in the second line "elk".
- s. 44 (1), amended
- **14.** Subsection 1 of section 44 of the said Act is amended by inserting after "deer" in the second line "elk".
- s. 45, amended
- **15.** Section 45 of the said Act is amended by inserting after "deer" in the first line "elk".
- s. 47, amended
- **16.** Section 47 of the said Act, as amended by the Statutes of Ontario, 1973, chapter 108, section 7, is further amended by adding thereto the following subsection:

Licence to propagate game animal (2) Except under the authority of a licence and subject to the regulations, no person shall propagate a game animal or possess a game animal for propagation.

s. 48, re-enacted **17.** Section 48 of the said Act is repealed and the following substituted therefor:

Taking of game animal 48. Except with the written authority of the Minister and subject to such terms and conditions as he may impose, no person shall take a game animal by any means for educational or scientific purposes.

s. 56, re-enacted **18.** Section 56 of the said Act is repealed and the following substituted therefor:

Section 10. Subsection 8 of section 36 of the Act now reads as follows:

(8) The holder of a licence of a class designated in the regulations shall, while hunting, wear in a conspicuous place on his person a badge furnished by the Ministry clearly showing the number of the licence.

The subsection is re-enacted to limit its application to parts of Ontario prescribed in the regulations.

SECTION 11. Section 36c of the Act now reads as follows:

- 36c.—(1) The Minister may cancel a licence where the continued existence of the licence is not in accordance with the purpose of this Act.
  - (2) Where the Minister proposes to cancel a licence under this Act, he shall serve or cause to be served notice of his proposal, together with written reasons therefor, on the holder of the licence.

The new subsection authorizes the Minister to direct the refund of a licence fee in whole or in part where a licence has been cancelled.

SECTION 12. Subsection 5 of section 40 of the Act now reads as follows:

(5) No non-resident shall hunt deer or moose in any part of Ontario designated in the regulations without employing or being accompanied by a licensed guide, but, where two or more non-residents hunt together, the number of guides employed need not be more than one guide for each two non-residents.

The subsection is amended to include "elk" as a separate species.

SECTION 13. Section 42 of the Act now reads as follows:

- 42.—(1) Except under the authority of a licence and during such times and on such terms and conditions and in such parts of Ontario as are prescribed in the regulations, no person shall hunt black bear, polar bear, caribou, deer or moose.
  - (2) Except as provided in the regulations, no person shall be the holder of more than one licence to hunt caribou, deer or moose in any year.

The section is amended to include "elk" as a separate species.

SECTION 14. Subsection 1 of section 44 of the Act now reads as follows:

(1) No person shall take or kill a black bear, polar bear, caribou, deer or moose by means of a trap, net, baited line or other similar contrivance or set any of them for any such animal.

The subsection is amended to include "elk" as a separate species.

SECTION 15. Section 45 of the Act now reads as follows:

45. No person shall hunt a caribou, deer or moose while it is swimming.

The section is amended to include "elk" as a separate species.

SECTION 16. Section 47 of the Act now reads as follows:

47. Except under the authority of a licence and subject to the regulations, no person shall sell, offer for sale, purchase or barter, or be concerned in the sale, purchase or barter of a game animal or possess a game animal for sale.

The new subsection prohibits the propagation of a game animal, except under the authority of a licence and subject to the regulations.

SECTION 17. Section 48 of the Act now reads as follows:

48. Except with the written authority of the Minister, no person shall, during a closed season, take a game animal for educational or scientific purposes.

The re-enactment strikes out the words "during a closed season" and authorizes the Minister to impose terms and conditions in his written authority.

SECTION 18. Section 56 of the Act now reads as follows:

56. No person shall take, destroy or possess the eggs or nests of any game bird, except with the written authority of the Minister to take, destroy or possess the eggs or nests for educational or scientific purposes.

The section is re-enacted to include game birds in the prohibition provided by the section and to authorize the Minister to impose terms and conditions in his written authority.

Section 19.—Subsection 1. Subsection 4 of section 58 of the Act now reads as follows:

(4) The holder of a licence to hunt or trap fur-bearing animals may sell any fur-bearing animal taken by him under the authority of the licence or the pelt of any such animal.

Subsection 4 as re-enacted prohibits the sale of a live fur-bearing animal or wolf, except under the authority of a licence and subject to the regulations.

The new subsection 4a is a re-enactment of the present subsection 4 and is limited in its application to the carcass of a fur-bearing animal, including the pelt.

Subsection 2. Subsection 5 of section 58 of the Act now reads as follows:

(5) Subject to sections 26 and 39, the holder of a licence to hunt or trap fur-bearing animals may, under the authority of that licence and without any other licence, hunt, in the area described in the licence during the open seasons between the 15th day of October and the 30th day of June in the year next following, any bird or animal, other than caribou, deer or moose.

The subsection is amended to include "elk" in the species of animals to which the subsection does not apply.

Subsection 3. Subsection 6 of section 58 of the Act now reads as follows:

(6) A farmer or any of his family residing with him upon his lands may without a licence hunt or trap thereon fur-bearing animals during the open seasons and may hunt thereon birds or animals, other than caribou, deer or moose, during the open seasons, and, subject to this Act, any farmer may without a licence sell the fur-bearing animals so hunted or trapped or the pelts thereof, but he shall keep such records and make such returns relating thereto as are prescribed in the regulations.

Subsection 6 is re-enacted to exclude "elk" as a separate species from the animals that may be hunted by a farmer on his own lands during the open seasons without a licence.

56.—(1) Except with the written authority of the Minister and Birds subject to such terms and conditions as he may impose, no person protected shall take a game bird by any means for educational or scientific purposes.

(2) No person shall take, destroy or possess the eggs or nests of Eggs and any game bird, except with the written authority of the Minister to protected take, destroy or possess the eggs or nests for educational or scientific purposes.

- 19.—(1) Subsection 4 of section 58 of the said Act is repealed and the s. 58 (4). following substituted therefor:
  - (4) Notwithstanding anything in this Act, no person shall sell, Sale of offer for sale, purchase or barter a live fur-bearing animal or live animals wolf, except with the written authority of the Minister and subject restricted to the regulations.
  - (4a) The holder of a licence to hunt or trap fur-bearing animals Authority may sell the carcass or any part thereof, including the pelt, of any fur-bearing animal taken by him under that licence.
  - (2) Subsection 5 of the said section 58 is amended by inserting s. 58 (5), after "deer" in the sixth line "elk".
  - (3) Subsection 6 of the said section 58 is repealed and the following s. 58 (6). substituted therefor:
  - (6) A farmer or any member of his family residing with him Exception upon his lands may, without a licence, hunt or trap thereon fur-as to bearing animals during the open seasons and may hunt thereon birds or animals, other than caribou, deer, elk or moose, during the open seasons.
  - (7) Except under the authority of a licence and subject to this Authority Act and the regulations, no farmer and no member of his family limited residing with him upon his lands shall sell the carcass or any part thereof, including the pelt, of any fur-bearing animal taken by him under the provisions of subsection 6.
- **20.** Section 60 of the said Act is repealed.

repealed

- **21.** Clause a of section 61 of the said Act, as re-enacted by the Statutes of s. 61 (a). Ontario, 1971, chapter 30, section 3, is repealed and the following substituted therefor:
  - (a) except that a pelt of an animal killed in Ontario may be possessed during the closed season under a licence if applied for within ten days after the end of the open

season in which it was killed, but this clause does not apply to the pelts of a fur-bearing animal that has been sealed or marked in accordance with this Act; and

s. 62 (1) (*a*), amended **22.**—(1) Clause *a* of subsection 1 of section 62 of the said Act is amended by striking out "or" where it occurs the second time in the second line.

s. 62 (1) (*b*), re-enacted

(2) Clause *b* of subsection 1 of the said section 62, as re-enacted by the Statutes of Ontario, 1971, chapter 30, section 4, is repealed and the following substituted therefor:

fur dealer's

(b) engage in or carry on, or be concerned in, the trading, buying or selling of pelts; or

possession of pelts (c) possess any pelt.

s. 63, re-énacted **23.** Section 63 of the said Act, as amended by the Statutes of Ontario, 1971, chapter 30, section 5, is repealed and the following substituted therefor:

Sealing or marking of pelts 63.—(1) The pelt of any fur-bearing animal, other than a muskrat, shall be sealed or marked by a duly authorized person before sale, and no person licensed under clause b or c of subsection 1 of section 62 shall have the unsealed or unmarked pelt of any fur-bearing animal, other than a muskrat, in his possession.

Offence

(2) No person shall present or permit to be presented for sealing or marking the pelt of any fur-bearing animal required to be sealed under subsection 1 that was not taken by him under the authority of his licence to hunt or trap fur-bearing animals or under subsection 6 of section 58.

Idem

(3) No person shall be party to having or attempting to have sealed or marked the pelt of any fur-bearing animal that was not taken under the authority of the licence that is presented with the pelt.

s. 64, re-enacted **24.** Section 64 of the said Act, as re-enacted by the Statutes of Ontario, 1971, chapter 30, section 6, is repealed and the following substituted therefor:

Hunting and trapping of fur-bearing animals restricted 64. Except with the written authority of the Minister and subject to such terms and conditions as he may impose, no person shall hunt or trap or attempt to trap a fur-bearing animal in the wild state for,

1971, c. 29

(a) the purpose of transfer to a fur farm as defined in *The Fur Farms Act*, 1971; or

The re-enactment also removes from the subsection the authority of a farmer to sell without a licence a fur-bearing animal hunted or trapped under the subsection. The removal of that authority accords with subsection 4 of section 58 of the Act, as re-enacted by subsection 1 of this section of the Bill.

The new subsection 7 prohibits a farmer from selling the carcass of a furbearing animal taken by him under the authority of subsection 6, except under the authority of a licence.

SECTION 20. Section 60 of the Act now reads as follows:

60. Where a person has taken or killed any fur-bearing animal in the closed season on his own lands in defence or preservation of his property, he shall within ten days thereof report the facts to the Ministry, and he shall not offer the pelt of such fur-bearing animal for sale or barter during the closed season except under a licence, and any fur dealer possessing such a pelt shall hold the licence and forward it to the Ministry when applying for a licence to ship it out of Ontario or to dress or tan it.

The repeal of section 60 removes a conflict with section 2 of the Act and accords with section 19 of the Bill.

SECTION 21. Clause a of section 61 of the Act now reads as follows:

- 61. Except as provided in the regulations, no person shall during the closed season have in his possession or in that of his servant or agent, or in that of any other person on his behalf, any fur-bearing animal wherever killed,
  - (a) except that a pelt of an animal killed in Ontario may be possessed during the closed season under a licence if applied for within ten days after the end of the open season in which it was killed, but this clause does not apply to the pelts of beaver, fisher, lynx, marten, mink and otter that have been sealed or marked in accordance with this Act; and

The exclusion now contained in the clause is extended to the pelts of any fur-bearing animal.

SECTION 22. Subsection 1 of section 62 of the Act now reads as follows:

- (1) Except under the authority of a licence, no person shall,
  - (a) engage in or carry on, or be concerned in, the tanning, plucking or treating of pelts; or
  - (b) possess, engage in or carry on, or be concerned in, the trading, buying or selling of pelts.

The amendment to clause a is complementary to the re-enactment of clause b.

Clause b is re-enacted as clauses b and c to clarify its intent.

Section 23. Section 63 of the Act provides for the sealing and marking of the pelts of beaver, fisher, lynx, marten, mink and otter.

As re-enacted, the section will apply to the pelts of all fur-bearing animals except muskrat. The re-enactment is complementary to section 21 of the Bill.

#### Section 24. Section 64 of the Act now reads as follows:

64. Except with the written authority of the Minister, no person shall hunt or trap or attempt to trap a fur-bearing animal in the wild state for the purpose of transfer to a fur farm as defined in The Fur Farms Act, 1971.

The section is extended to apply to the hunting or trapping of fur-bearing animals for educational or scientific purposes.

#### SECTION 25. Section 69 of the Act now reads as follows:

- 69.—(1) No person shall sell, offer for sale, purchase or barter, or be concerned in the sale, purchase or barter of an Atlantic salmon, (also known as ouananiche) taken from Ontario waters, a smallmouth bass, largemouth bass, maskinonge, brook trout, brown trout, rainbow trout or Aurora trout, but subject to such terms and conditions as are prescribed by the regulations,
  - (a) under the authority of a licence to propagate and sell bass and trout, a sale may be made of smallmouth bass, largemouth bass, brook trout or rainbow trout propagated in Ontario for the purpose of stocking and of brook trout and rainbow trout for human consumption; and
  - (b) under the authority of a licence to sell trout, a sale may be made for human consumption of,
    - (i) brook trout and rainbow trout taken from waters outside Ontario.
    - (ii) live brook trout and rainbow trout propagated in Ontario and offered for sale in a restaurant or a retail shop, or
    - (iii) surplus stocks of brook trout and rainbow trout held under a fishing preserve licence.
  - (2) No person shall sell, offer for sale, purchase or barter, or be concerned in the sale, purchase or barter, of yellow pickerel (also known as pike-perch, walleye or dore), pike, lake trout or sturgeon taken from Ontario waters by angling or taken in any other manner by a person without a commercial fishing licence.
  - (3) No person shall buy, sell or possess a fish or part of a fish taken from Ontario waters during the closed season for that fish.

The amendment to subsection 1 of the section extends its application to any part, including the eggs, of the species of fish named therein.

The re-enactment of subsection 2 adds the species "sauger".

The amendment to subsection 3 extends its application to the eggs of a fish.

SECTION 26. Section 71 of the Act now reads as follows:

- 71.—(1) Except under the authority of a licence, no person shall possess a gill, hoop, pound, seine, trap or trawl net.
  - (2) No person shall sell a gill, hoop, pound, seine, trap or trawl net to any person not the holder of a commercial fishing licence or a licence under subsection 1.

The new subsection provides an exception to the section.

- (b) educational or scientific purposes.
- **25.**—(1) Subsection 1 of section 69 of the said Act, as re-enacted by the s. 69 (1). Statutes of Ontario, 1973, chapter 108, section 8, is amended by inserting after "Aurora trout" in the fifth line "or any part thereof, including the eggs thereof".
  - (2) Subsection 2 of the said section 69 is repealed and the following s. 69 (2), substituted therefor:
  - (2) No person shall sell, offer for sale, purchase or barter, or be Idem concerned in the sale, purchase or barter, of yellow pickerel (also known as pike-perch, walleye, dore or blue pickerel) pike, lake trout, sturgeon or sauger, or any part thereof, taken from Ontario waters by angling or taken in any other manner by a person who is not the holder of a commercial fishing licence.
  - (3) Subsection 3 of the said section 69 is amended by inserting s. 69 (3). after "fish" where it occurs the second time in the first line "including the eggs thereof".
- **26.** Section 71 of the said Act is amended by adding thereto the follow- s. 71, ing subsection:
  - (3) Subsection 1 does not apply to a manufacturer, merchant or Exception common carrier that possesses any net referred to in subsection 1 for the purpose of sale or transportation.
- **27.** Sections 73, 74 and 75 of the said Act are repealed and the following ss. 73, 74 and 75, re-enacted re-enacted substituted therefor:
  - 73. Except under the authority of a licence and during such Hunting of amphibitimes and on such terms and conditions and in such parts of ians and Ontario as are prescribed in the regulations, no person shall hunt reptiles or attempt to hunt or possess any amphibian or reptile.
  - 74. Except under the authority of a licence and subject to the regulations, no person shall sell, offer for sale, purchase or barter, and or be concerned in the sale, purchase or barter, of any amphibian reptiles or reptile, or possess an amphibian or reptile for sale.
  - 75. Except with the written authority of the Minister and sub- amphibians ject to such terms and conditions as he may impose, no person and reptiles for educational or educational or scientific purposes.

    Hunting of amphibian of amphibian and reptiles for educational or educational or scientific purposes.
- **28.** Section 76 of the said Act is amended by inserting after "deer" in the s. 76. amended third line "elk".
- **29.**—(1) Subsection 1 of section 77 of the said Act is repealed and the s. 77 (1), re-enacted following substituted therefor:

Dogs running at large, etc. (1) No person owning, claiming to own or harbouring a dog shall allow it to run at large during the closed season for deer or elk in a locality that deer or elk usually inhabit or in which they are usually found, and a dog found running deer or elk during the closed season for deer or elk in such a locality may be killed on sight by an officer without incurring any liability or penalty therefor.

s. 77 (2), amended (2) Subsection 2 of the said section 77 is amended by inserting after "deer" in the second line "or elk".

s. 78, re-enacted **30.** Section 78 of the said Act is repealed and the following substituted therefor:

Field trials for dogs 78. Except with the written authority of the Minister and subject to such terms and conditions as he may impose, no person shall conduct a field trial for a dog that involves a game animal or a game bird during any closed season therefor.

s. 87, repealed **31.** Section 87 of the said Act is repealed.

s. 90, amended **32.** Section 90 of the said Act is amended by striking out "\$1,000" in the third line and inserting in lieu thereof "\$5,000".

s. 91, par. 8, re-enacted

- **33.**—(1) Paragraph 8 of section 91 of the said Act is repealed and the following substituted therefor:
  - 8. designating classes of licences and prescribing parts of Ontario for the purposes of subsection 8 of section 36.

s. 91, amended

- (2) The said section 91, as amended by the Statutes of Ontario, 1973, chapter 108, section 10 and 1978, chapter 52, section 2, is further amended by adding thereto the following paragraphs:
  - 9a. declaring a species of Amphibia to be an amphibian;
  - 9b. declaring a species of Reptilia to be a reptile;
  - 11a. designating the species of game animals that may be propagated or possessed for propagation under a licence mentioned in subsection 2 of section 47.

s. 91, par. 14, amended (3) Paragraph 14 of the said section 91 is amended by inserting after "deer" in the third line "elk".

s. 91, par. 16, amended (4) Paragraph 16 of the said section 91 is amended by inserting after "deer" in the third line "or elk".

SECTION 27. Sections 73, 74 and 75 of the Act now read as follows:

- 73. No person shall take or attempt to take frogs by any means from waters set apart for the conservation or propagation of frogs, but the Minister may, in writing, authorize frogs to be taken from such waters for scientific purposes.
- 74. No person shall take a bullfrog during a closed season.
- 75. Except under the authority of a licence and on such terms and conditions and in such parts of Ontario as the Lieutenant Governor in Council prescribes, no person shall take bullfrogs for the purpose of sale or barter.

The sections are revised to apply to any amphibian or reptile.

SECTION 28. Section 76 of the Act now reads as follows:

76. Except under the authority of a licence issued for the dog, no person shall use or be accompanied by a dog while hunting caribou, deer or moose.

The section is amended to include "elk" as a separate species.

SECTION 29. Section 77 of the Act now reads as follows:

- 77.—(1) No person owning, claiming to own or harbouring a dog shall allow it to run at large during the closed seasonfor deer in a locality that deer usually inhabit or in which they are usually found, and a dog found running deer during the closed season for deer in such a locality may be killed on sight by an officer without incurring any liability or penalty therefor.
  - (2) No person shall use or be accompanied by a dog while hunting deer in a part of Ontario that is designated in the regulations, and a dog found running at large in such a designated part of Ontario may be killed on sight by an officer without incurring any liability or penalty therefor.

Subsection 1 of the said section is re-enacted to include "elk" as a separate species.

The amendment to subsection 2 of the said section is complementary to the re-enactment of subsection 1.

SECTION 30. Section 78 of the Act now reads as follows:

78. Except in a field trial approved in writing by the Minister, no person owning, claiming to own or harbouring a dog shall allow it to molest or follow upon the track of any game bird during the months of April, May, June and July in any year or disturb its nest at any time.

The section is revised and its application is extended to game animals.

Section 31. Section 87 of the Act provides for the disposition of property forfeited to the Crown under the  $\operatorname{Act}$ .

The repeal of the section is complementary to section 4 of the Bill.

SECTION 32. Section 90 of the Act now reads as follows:

90. Except where otherwise provided, every person who commits an offence against this Act is liable to a fine of not more than \$1,000.

The maximum fine is increased from \$1,000 to \$5,000.

Section 33. Section 91 of the Act authorized the Lieutenant Governor in Council to make regulations respecting the matters set out in the paragraphs thereof.

The amendments add new paragraphs (subsections 2, 6 and 8) and amend or re-enact existing paragraphs (subsections 1, 3, 4, 5 and 7) to accord with earlier sections of the Bill and to enlarge the authority to make regulations.

SECTION 34. Paragraph 6 of section 92 of the Act now reads as follows:

92. The Minister may make regulations,

6. designating parts of Ontario as areas in which no non-resident shall hunt deer or moose without employing or being accompanied by a licensed guide.

The paragraph is amended to include "elk" as a separate species.

- (5) Paragraph 30 of the said section 91 is repealed and the follow- s. 91, par. 30, ing substituted therefor:
  - 30. regulating, restricting or prohibiting the possession or use of traps.
- (6) The said section 91 is further amended by adding thereto the s. 91, following paragraph:
  - 32a. providing for and establishing a program for the education of trappers, including the appointment of instructors.
- (7) Paragraph 38 of the said section 91 is repealed and the follow- s. 91, par. 38, re-enacted
  - 38. prescribing the open seasons during which amphibians and reptiles may be taken, the number and size of amphibians and reptiles that may be taken or possessed and the methods whereby amphibians and reptiles may be taken and designating the parts of Ontario where amphibians and reptiles may be taken;
  - 38a. governing the sale, purchase and barter of amphibians and reptiles.
- (8) The said section 91 is further amended by adding thereto the s. 91, following paragraphs:
  - 40a. designating parts of Ontario as wildlife management units;
  - 40b. limiting and regulating the number of hunters that may hunt at any time in a wildlife management unit and the hours during which hunting may be carried on in a wildlife management unit;
  - 40c. establishing a system for registering or reporting game taken or possessed;
  - 40*d*. prescribing the time or times and the terms and conditions upon which raccoon may be chased under section 24*a*;
  - 40e. prescribing the time or times and the terms and conditions upon which fox, coyote or wolf may be chased under section 24a.
- **34.** Paragraph 6 of section 92 of the said Act is amended by inserting s. 92. after "deer" in the second line "elk".

Repeal

**35.** The Game and Fish Amendment Act, 1980, being chapter , is repealed.

Commencement **36.** This Act comes into force on the day it receives Royal Assent.

Short title

**37.** The short title of this Act is The Game and Fish Amendment Act, 1980.







An Act to amend The Game and Fish Act

1st Reading
April 28th, 1980
2nd Reading

3rd Reading

THE HON. J. A. C. AULD Minister of Natural Resources

(Government Bill)

4TH SESSION, 31ST LEGISLATURE, ONTARIO 29 ELIZABETH II, 1980

An Act to amend The Game and Fish Act

THE HON. J. A. C. AULD Minister of Natural Resources

(Reprinted as amended by the Committee of the Whole House)

#### EXPLANATORY NOTES

Section 1. Subsections 1, 3 and 5 of section 1 add definitions to section 1 of the Act that are complementary to other sections of the Bill.

Subsection 2. Paragraph 2 of section 1 of the Act now reads as follows:

2. "deer" includes wapiti (commonly called elk).

Later sections of the Bill make "elk" a separate species.

Subsection 4. Paragraph 20 of section 1 of the Act now reads as follows:

20. "officer" means a Conservation Officer or a Deputy Conservation Officer and includes a member of the Royal Canadian Mounted Police Force or the Ontario Provincial Police Force or any other person authorized to enforce this Act.

The definition of "officer" is enlarged to include a member of any police force appointed under *The Police Act*.

BILL 59 1980

### An Act to amend The Game and Fish Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1.—(1) Section 1 of *The Game and Fish Act*, being chapter 186 of the s. 1, amended Statutes of Ontario, 1970, as amended by the Statutes of Ontario, 1971, chapter 30, section 1 and 1973, chapter 108, section 1, is further amended by renumbering paragraph 1 as paragraph 1a, by renumbering paragraph 1a as paragraph 1c and by adding thereto the following paragraphs:
  - 1. "amphibian" means any species of Amphibia that the Lieutenant Governor in Council declares to be an amphibian and includes any part and the eggs of such species.
  - 1b. "body-gripping trap" means a trap designed to capture an animal by seizing and holding the animal by any part of its body but does not include a trap designed to capture a mouse or a rat.
  - (2) Paragraph 2 of the said section 1 is repealed.

    s. 1, par. 2, repealed
  - (3) The said section 1 is further amended by adding thereto the s. 1, following paragraph:
    - 16a. "leg-hold trap" means a trap designed to capture an animal by seizing and holding the animal by the leg or foot.
  - (4) Paragraph 20 of the said section 1 is repealed and the following s. 1, par. 20, substituted therefor:
    - 20. "officer" means a conservation officer or a deputy conservation officer and includes a member of the Royal

R.S.O. 1970, c. 351 Canadian Mounted Police Force, a member of a police force appointed under *The Police Act* and any other person authorized to enforce this Act.

s. 1, amended

- (5) 'The said section 1 is further amended by adding thereto the following paragraphs:
  - 25a. "power-boat" means any device that is capable of floating and to which is affixed a motor as a means of propulsion and includes any floating device towed by a power-boat.

27a. "reptile" means any species of Reptilia that the Lieutenant Governor in Council declares to be a reptile and

includes any part and the eggs of such species.

s. 1, par. 30, re-enacted

- (6) Paragraph 30 of the said section 1 is repealed and the following substituted therefor:
  - 30. "trap" means a spring trap, body-gripping trap, leg-hold trap, gin, deadfall, snare, box or net used to capture an animal, and "trapping" has a corresponding meaning.

s. 2 (1) (b), re-enacted **2.**—(1) Clause *b* of subsection 1 of section 2 of the said Act is repealed and the following substituted therefor:

1971, c. 52

(b) to a person taking or destroying any animal, other than a caribou, deer, elk or moose or an animal protected under The Endangered Species Act, 1971, by any means that do not cause unnecessary suffering and at any time on his own land where he finds such animal damaging or destroying his property or, on reasonable grounds, he believes such animal is about to damage or destroy his property.

s. 2, amended (2) The said section 2, as amended by the Statutes of Ontario, 1971, chapter 30, section 2, is further amended by adding thereto the following subsection:

Idem

(3) Notwithstanding subsection 1, this Act applies to domestic animals and to persons referred to in clause b of subsection 1 in respect of the restrictions in section 29a on the use of body-gripping traps and leg-hold traps.

s. 7 (2), re-enacted **3.** Subsection 2 of section 7 of the said Act is repealed and the following substituted therefor:

Deputy conservation officers (2) The Minister may appoint deputy conservation officers in and for any part of Ontario.

Subsection 6. Paragraph 30 of section 1 of the Act defines "trap".

The paragraph is re-enacted to include a body-gripping trap and a leg-hold trap and to change the reference to "game" to a reference to "an animal".

Section 2.—Subsection 1. Clause b of subsection 1 of section 2 of the Act now reads as follows:

2.—(1) This Act does not apply,

(b) to a person taking or destroying a hawk, kingfisher or owl or any animal, other than a caribou, deer or moose, on his own lands in defence or preservation of his property by any means at any time; or

The exception in clause b is extended to elk and any animal protected under *The Endangered Species Act*, 1971, and the reference to a hawk, kingfisher or owl is removed.

Subsection 2. The new subsection is complementary to the new section 29a of the Act (section 9 of the Bill).

Section 3. Subsection 2 of section 7 of the Act now reads as follows:

(2) The Minister may appoint deputy conservation officers in and for any part of Ontario to serve without remuneration.

The words "to serve without remuneration" are deleted.

## SECTION 4. Section 16 of the Act now reads as follows:

- 16.—(1) Any game or fish suspected of having been taken or possessed and any thing, except an aircraft, vehicle or vessel, suspected of having been used in contravention of this Act or the regulations shall be seized.
  - (2) An aircraft, vehicle or vessel,
    - (a) suspected of having been used; or
    - (b) used in transporting game or fish suspected of having been taken or possessed,

in contravention of this Act or the regulations may be seized.

(3) Upon conviction, any property seized under this section is forfeited to the Crown in right of Ontario as represented by the Minister.

The section is re-enacted to make seizure permissive in all instances and to clarify the procedures for dealing with property that has been seized.

- **4.** Section 16 of the said Act is repealed and the following substituted s. 16, therefor:
  - 16.—(1) An officer may, without a warrant, seize any vessel, Seizure of vehicle, aircraft, implement, appliance, material, container, goods, equipment, game or fish where the officer on reasonable grounds believes that.
    - (a) the vessel, vehicle, aircraft, implement, appliance, material, container, goods or equipment has been used in connection with the commission of an offence against this Act:
    - (b) the game or fish or any part thereof has been hunted, taken, killed, transported, bought, sold or had in possession contrary to any provision of this Act or the regulations; or
    - (c) the game or fish or part thereof has been intermixed with any game or fish referred to in clause b.
  - (2) Subject to subsections 4, 5 and 6, any thing seized under Custody of subsection 1 shall be delivered into the custody of such person as seized the Minister directs for safekeeping pending the conclusion of any investigation or the disposition by a court of any charge laid as a result of the investigation.
    - (3) Where,

Disposition of property seized where

- (a) no charge is laid at the conclusion of an investigation; or
- (b) any charge that has been laid is withdrawn or dismissed,

any thing seized under subsection 1, other than game or fish that has been disposed of under subsection 4, shall be returned to the person from whom it was seized or to his personal representative.

(4) Where, in the opinion of the person having custody of any Disposition game or fish seized under subsection 1, such game or fish will rot, property spoil or otherwise perish, that person may dispose of the game or seized fish by donation to any charitable organization.

(5) Where the ownership of any implement, appliance, materi- Disposition al, container, goods, equipment, game or fish seized under subsection 1 cannot, at the time of seizure, be ascertained, such implement, appliance, material, container, goods, equipment, game or fish is, upon the seizure thereof, forfeited to the Crown in right of Ontario as represented by the Minister and may be disposed of as the Minister directs.

Forfeiture of property seized (6) Where a person is convicted of an offence against this Act, the court, in addition to any fine imposed, may order that any vessel, vehicle, aircraft, implement, appliance, material, container, goods, equipment, game or fish seized under subsection 1 be forfeited, and upon such order being made, such vessel, vehicle, aircraft, impliment, appliance, material, container, goods, equipment, game or fish ordered to be forfeited is forfeited to the Crown in right of Ontario as represented by the Minister and may be disposed of as the Minister directs.

s. 17, re-enacted **5.** Section 17 of the said Act is repealed and the following substituted therefor:

Hunting or trapping for hire

- 17.—(1) Except with the written authority of the Minister and subject to such terms and conditions as he may impose, no person shall,
  - (a) hunt for hire, gain or reward, or hope thereof, or employ, hire or, for valuable consideration, induce any other person to hunt; or
  - (b) trap for hire, gain or reward, or hope thereof, or employ, hire or, for valuable consideration, induce any other person to trap.

Exception

(2) Clause b of subsection 1 does not apply to the holder of a licence to hunt or trap fur-bearing animals or a person who is nominated by the holder of the licence in accordance with the regulations to trap in his stead.

s. 19, amended

**6.** Section 19 of the said Act is amended by striking out "\$1,000" in the sixth line and inserting in lieu thereof "\$5,000".

s. 21, amended **7.** Section 21 of the said Act is amended by adding thereto the following subsection:

Hunting from a stationary vehicle or power-boat (2a) Notwithstanding clause a of subsection 1 and subsection 2, if the Minister is satisfied that the holder of a licence to hunt is incapable of walking and is thereby required to use a wheelchair or other similar means of locomotion, he may in writing authorize that person to have a loaded fire-arm in or on, and to discharge a loaded fire-arm from, a vehicle or power-boat that is not in motion.

s. 24, re-enacted **8.** Section 24 of the said Act is repealed and the following substituted therefor:

Exception, raccoon hunting

24. Subject to section 21 and notwithstanding section 23, the holder of a licence to hunt raccoon at night may possess or use a fire-arm of a calibre or type prescribed in the regulations and a light for the purpose of hunting raccoon during the open season

### Section 5. Section 17 of the Act now reads as follows:

17. No person shall for hire, gain or reward, or hope thereof, hunt game, or employ, hire or, for valuable consideration, induce any other person to hunt game.

The section is re-enacted to permit the Minister to authorize certain activities that are now prohibited.

## SECTION 6. Section 19 of the Act now reads as follows:

19. Every person is guilty of the offence of hunting carelessly who, being in possession of a fire-arm for the purpose of hunting, discharges or causes to be discharged or handles such fire-arm without due care and attention or without reasonable consideration for persons or property and is liable to a fine of not more than \$1,000, or to imprisonment for a term of not more than one year, or to both.

The maximum fine is increased from \$1,000 to \$5,000.

## Section 7. Subsections 1 and 2 of section 21 of the Act now read as follows:

- No person, while engaged in hunting or trapping game or while going to or returning from a hunting camp or locality in which game may be found, shall.
  - (a) have a loaded fire-arm in or on, or discharge a loaded fire-arm from, an aircraft or a vehicle; or
  - (b) in any county designated in the regulations, discharge a fire-arm from or across a highway, road, street, avenue, parkway, driveway, square, place, bridge, viaduct or trestle, used or intended for use by the public for the passage of vehicles; or
  - (c) in any part of Ontario that is not in a county designated in the regulations, discharge a fire-arm from or across the travelled portion of a highway, road, street, avenue, parkway, driveway, square, place, bridge, viaduct or trestle, used or intended for use by the public for the passage of vehicles.
- (2) Except as otherwise provided in the Migratory Birds Convention Act (Canada) or the regulations made under that Act, no person shall have a loaded fire-arm in or on or discharge the same from a power-boat.

The new subsection 2a permits the Minister to authorize a person who is incapable of walking and is required to use a wheelchair to have a loaded fire-arm in and discharge a loaded fire-arm from a vehicle or power-boat that is not in motion.

#### Section 8. Section 24 of the Act now reads as follows:

24. Notwithstanding section 23, the holder of a licence to hunt raccoon at night may possess or use a fire-arm of a calibre or type prescribed in the regulations or a light for the purpose of hunting raccoon at night during the open season therefor when accompanied by a dog licensed therefor.

The section is re-enacted to clarify that a person hunting raccoon is subject to section 21 of the Act and to prohibit the use of a light that is attached to or shone from a vehicle.

Section 9. The new section 24a defines "chase" and provides for the chasing of a raccoon, fox, coyote and wolf.

The new section 29a prohibits, with certain exceptions, the use of body-gripping and leg-hold traps.

therefor when accompanied by a dog licensed therefor, provided that no person, while so hunting, shall use a light that is attached to a vehicle or is shone from or in a vehicle.

- **9.** The said Act is amended by adding thereto the following sections: ss. 24a, 29a, enacted
  - 24*a*.—(1) In this section, "chase" includes pursuing, following Interpreafter and searching for but does not include taking or capturing, shooting at or shooting.
  - (2) The holder of a licence to chase raccoon at night may chase Licence raccoon at night during such times and upon such terms and raccoon conditions as are prescribed in the regulations.
  - (3) The holder of a licence to chase fox, coyote or wolf may Licence to chase fox, coyote or wolf, as the case may be, during the day or chase fox, night at such times and upon such terms and conditions as are prescribed in the regulations.
  - 29a.—(1) In this section, "animal" includes any domestic, fur- Interpretation bearing or game animal.
  - (2) No person shall trap or attempt to trap any animal by means Prohibition of a body-gripping trap or leg-hold trap.
    - (3) Subsection 2 does not apply,

Exceptions

- (a) to a person who holds a licence to hunt or trap fur-bearing animals;
- (b) to a farmer who uses a body-gripping trap or leg-hold trap on his own lands in defence or preservation of his property or in circumstances referred to in subsection 6 of section 58;
- (c) to a person who uses a body-gripping trap or leg-hold trap designated by the Minister as a humane trap.
- (4) The Minister may, with the approval of the Lieutenant Minister Governor in Council, make an order designating areas or order municipalities in Ontario in which the prohibition set out in subsection 2 does not apply.
- (5) The Minister may, with the approval of the Lieutenant <sup>Idem</sup> Governor in Council, make an order designating any body-gripping trap or leg-hold trap as a humane trap for the purpose of clause c of subsection 3.

s. 36 (8), re-enacted **10.** Subsection 8 of section 36 of the said Act, as re-enacted by the Statutes of Ontario, 1973, chapter 108, section 4, is repealed and the following substituted therefor:

Wearing of badge

(8) The holder of a licence of a class designated in the regulations shall, while hunting in such parts of Ontario as are prescribed in the regulations, wear in a conspicuous place on his person a badge furnished by the Ministry clearly showing the number of the licence.

s. 36c, amended

**11.** Section 36*c* of the said Act, as enacted by the Statutes of Ontario, 1973, chapter 108, section 5, is amended by adding thereto the following subsection:

Refund of fees (3) The Minister may direct the refund, in whole or in part, of the fee paid for any licence that has been cancelled under this Act.

s. 40 (5), amended **12.** Subsection 5 of section 40 of the said Act is amended by inserting after "deer" in the first line "elk".

s. 42 (1), amended **13.**—(1) Subsection 1 of section 42 of the said Act is amended by inserting after "deer" in the fourth line "elk".

s. 42 (2), amended (2) Subsection 2 of the said section 42 is amended by inserting after "deer" in the second line "elk".

s. 44 (1), amended **14.** Subsection 1 of section 44 of the said Act is amended by inserting after "deer" in the second line "elk".

s. 45, amended **15.** Section 45 of the said Act is amended by inserting after "deer" in the first line "elk".

s. 47, amended **16.** Section 47 of the said Act, as amended by the Statutes of Ontario, 1973, chapter 108, section 7, is further amended by adding thereto the following subsection:

Licence to propagate game animal (2) Except under the authority of a licence and subject to the regulations, no person shall propagate a game animal or possess a game animal for propagation.

s. 48, re-enacted

**17.** Section 48 of the said Act is repealed and the following substituted therefor:

Taking of game animal 48. Except with the written authority of the Minister and subject to such terms and conditions as he may impose, no person shall take a game animal by any means for educational or scientific purposes.

s. 56, re-enacted **18.** Section 56 of the said Act is repealed and the following substituted therefor:

SECTION 10. Subsection 8 of section 36 of the Act now reads as follows:

(8) The holder of a licence of a class designated in the regulations shall, while hunting, wear in a conspicuous place on his person a badge furnished by the Ministry clearly showing the number of the licence.

The subsection is re-enacted to limit its application to parts of Ontario prescribed in the regulations.

SECTION 11. Section 36c of the Act now reads as follows:

- 36c.—(1) The Minister may cancel a licence where the continued existence of the licence is not in accordance with the purpose of this Act.
  - (2) Where the Minister proposes to cancel a licence under this Act, he shall serve or cause to be served notice of his proposal, together with written reasons therefor, on the holder of the licence.

The new subsection authorizes the Minister to direct the refund of a licence fee in whole or in part where a licence has been cancelled.

SECTION 12. Subsection 5 of section 40 of the Act now reads as follows:

(5) No non-resident shall hunt deer or moose in any part of Ontario designated in the regulations without employing or being accompanied by a licensed guide, but, where two or more non-residents hunt together, the number of guides employed need not be more than one guide for each two non-residents.

The subsection is amended to include "elk" as a separate species.

Section 13. Section 42 of the Act now reads as follows:

- 42.—(1) Except under the authority of a licence and during such times and on such terms and conditions and in such parts of Ontario as are prescribed in the regulations, no person shall hunt black bear, polar bear, caribou, deer or moose.
  - (2) Except as provided in the regulations, no person shall be the holder of more than one licence to hunt caribou, deer or moose in any year.

The section is amended to include "elk" as a separate species.

SECTION 14. Subsection 1 of section 44 of the Act now reads as follows:

(1) No person shall take or kill a black bear, polar bear, caribou, deer or moose by means of a trap, net, baited line or other similar contrivance or set any of them for any such animal.

The subsection is amended to include "elk" as a separate species.

SECTION 15. Section 45 of the Act now reads as follows:

45. No person shall hunt a caribou, deer or moose while it is swimming.

The section is amended to include "elk" as a separate species.

SECTION 16. Section 47 of the Act now reads as follows:

47. Except under the authority of a licence and subject to the regulations, no person shall sell, offer for sale, purchase or barter, or be concerned in the sale, purchase or barter of a game animal or possess a game animal for sale.

The new subsection prohibits the propagation of a game animal, except under the authority of a licence and subject to the regulations.

SECTION 17. Section 48 of the Act now reads as follows:

48. Except with the written authority of the Minister, no person shall, during a closed season, take a game animal for educational or scientific purposes.

The re-enactment strikes out the words "during a closed season" and authorizes the Minister to impose terms and conditions in his written authority.

SECTION 18. Section 56 of the Act now reads as follows:

56. No person shall take, destroy or possess the eggs or nests of any game bird, except with the written authority of the Minister to take, destroy or possess the eggs or nests for educational or scientific purposes.

The section is re-enacted to include game birds in the prohibition provided by the section and to authorize the Minister to impose terms and conditions in his written authority.

Section 19.—Subsection 1. Subsection 4 of section 58 of the Act now reads as follows:

(4) The holder of a licence to hunt or trap fur-bearing animals may sell any fur-bearing animal taken by him under the authority of the licence or the pelt of any such animal.

Subsection 4 as re-enacted prohibits the sale of a live fur-bearing animal or wolf, except under the authority of a licence and subject to the regulations.

The new subsection 4a is a re-enactment of the present subsection 4 and is limited in its application to the carcass of a fur-bearing animal, including the pelt.

Subsection 2. Subsection 5 of section 58 of the Act now reads as follows:

(5) Subject to sections 26 and 39, the holder of a licence to hunt or trap fur-bearing animals may, under the authority of that licence and without any other licence, hunt, in the area described in the licence during the open seasons between the 15th day of October and the 30th day of June in the year next following, any bird or animal, other than caribou, deer or moose.

The subsection is amended to include "elk" in the species of animals to which the subsection does not apply.

Subsection 3. Subsection 6 of section 58 of the Act now reads as follows:

(6) A farmer or any of his family residing with him upon his lands may without a licence hunt or trap thereon fur-bearing animals during the open seasons and may hunt thereon birds or animals, other than caribou, deer or moose, during the open seasons, and, subject to this Act, any farmer may without a licence sell the fur-bearing animals so hunted or trapped or the pelts thereof, but he shall keep such records and make such returns relating thereto as are prescribed in the regulations.

Subsection 6 is re-enacted to exclude "elk" as a separate species from the animals that may be hunted by a farmer on his own lands during the open seasons without a licence.

56.—(1) Except with the written authority of the Minister and Birds subject to such terms and conditions as he may impose, no person protected shall take a game bird by any means for educational or scientific purposes.

(2) No person shall take, destroy or possess the eggs or nests of Eggs and any game bird, except with the written authority of the Minister to protected take, destroy or possess the eggs or nests for educational or scientific purposes.

- **19.**—(1) Subsection 4 of section 58 of the said Act is repealed and the s. 58 (4), following substituted therefor:
  - (4) Notwithstanding anything in this Act, no person shall sell, Sale of offer for sale, purchase or barter a live fur-bearing animal or live animals wolf, except with the written authority of the Minister and subject restricted to the regulations.
  - (4a) The holder of a licence to hunt or trap fur-bearing animals Authority may sell the carcass or any part thereof, including the pelt, of any fur-bearing animal taken by him under that licence.
  - (2) Subsection 5 of the said section 58 is amended by inserting s. 58 (5). after "deer" in the sixth line "elk".
  - (3) Subsection 6 of the said section 58 is repealed and the following s. 58 (6). substituted therefor:
  - (6) A farmer or any member of his family residing with him Exception upon his lands may, without a licence, hunt or trap thereon fur-as to farmers bearing animals during the open seasons and may hunt thereon birds or animals, other than caribou, deer, elk or moose, during the open seasons.
  - (7) Except under the authority of a licence and subject to this Authority Act and the regulations, no farmer and no member of his family limited residing with him upon his lands shall sell the carcass or any part thereof, including the pelt, of any fur-bearing animal taken by him under the provisions of subsection 6.
- **20.** Section 60 of the said Act is repealed.

- **21.** Clause *a* of section 61 of the said Act, as re-enacted by the Statutes of s. 61 (a). Ontario, 1971, chapter 30, section 3, is repealed and the following substituted therefor:
  - (a) except that a pelt of an animal killed in Ontario may be possessed during the closed season under a licence if applied for within ten days after the end of the open

season in which it was killed, but this clause does not apply to the pelt of a fur-bearing animal that has been sealed or marked in accordance with this Act; and

s. 62 (1) (*a*), amended

**22.**—(1) Clause *a* of subsection 1 of section 62 of the said Act is amended by striking out "or" where it occurs the second time in the second line.

s. 62 (1) (*b*), re-enacted

(2) Clause *b* of subsection 1 of the said section 62, as re-enacted by the Statutes of Ontario, 1971, chapter 30, section 4, is repealed and the following substituted therefor:

fur dealer's

(b) engage in or carry on, or be concerned in, the trading, buying or selling of pelts; or

possession of pelts (c) possess any pelt.

s. 63, re-énacted **23.** Section 63 of the said Act, as amended by the Statutes of Ontario, 1971, chapter 30, section 5, is repealed and the following substituted therefor:

Sealing or marking of pelts 63.—(1) The pelt of any fur-bearing animal, other than a muskrat, shall be sealed or marked by a duly authorized person before sale, and no person licensed under clause b or c of subsection 1 of section 62 shall have the unsealed or unmarked pelt of any fur-bearing animal, other than a muskrat, in his possession.

Offence

(2) No person shall present or permit to be presented for sealing or marking the pelt of any fur-bearing animal required to be sealed under subsection 1 that was not taken by him under the authority of his licence to hunt or trap fur-bearing animals or under subsection 6 of section 58.

Idem

(3) No person shall be party to having or attempting to have sealed or marked the pelt of any fur-bearing animal that was not taken under the authority of the licence that is presented with the pelt.

s. 64, re-enacted **24.** Section 64 of the said Act, as re-enacted by the Statutes of Ontario, 1971, chapter 30, section 6, is repealed and the following substituted therefor:

Hunting and trapping of fur-bearing animals restricted

64. Except with the written authority of the Minister and subject to such terms and conditions as he may impose, no person shall hunt or trap or attempt to trap a fur-bearing animal in the wild state for,

1971, c. 29

(a) the purpose of transfer to a fur farm as defined in *The Fur Farms Act*, 1971; or

The re-enactment also removes from the subsection the authority of a farmer to sell without a licence a fur-bearing animal hunted or trapped under the subsection. The removal of that authority accords with subsection 4 of section 58 of the Act, as re-enacted by subsection 1 of this section of the Bill.

The new subsection 7 prohibits a farmer from selling the carcass of a furbearing animal taken by him under the authority of subsection 6, except under the authority of a licence.

## SECTION 20. Section 60 of the Act now reads as follows:

60. Where a person has taken or killed any fur-bearing animal in the closed season on his own lands in defence or preservation of his property, he shall within ten days thereof report the facts to the Ministry, and he shall not offer the pelt of such fur-bearing animal for sale or barter during the closed season except under a licence, and any fur dealer possessing such a pelt shall hold the licence and forward it to the Ministry when applying for a licence to ship it out of Ontario or to dress or tan it.

The repeal of section 60 removes a conflict with section 2 of the Act and accords with section 19 of the Bill.

## Section 21. Clause a of section 61 of the Act now reads as follows:

- 61. Except as provided in the regulations, no person shall during the closed season have in his possession or in that of his servant or agent, or in that of any other person on his behalf, any fur-bearing animal wherever killed,
  - (a) except that a pelt of an animal killed in Ontario may be possessed during the closed season under a licence if applied for within ten days after the end of the open season in which it was killed, but this clause does not apply to the pelts of beaver, fisher, lynx, marten, mink and otter that have been sealed or marked in accordance with this Act; and

The exclusion now contained in the clause is extended to the pelts of any fur-bearing animal.

## Section 22. Subsection 1 of section 62 of the Act now reads as follows:

- (1) Except under the authority of a licence, no person shall,
  - (a) engage in or carry on, or be concerned in, the tanning, plucking or treating of pelts; or
  - (b) possess, engage in or carry on, or be concerned in, the trading, buying or selling of pelts.

The amendment to clause a is complementary to the re-enactment of clause b.

Clause b is re-enacted as clauses b and c to clarify its intent.

Section 23. Section 63 of the Act provides for the sealing and marking of the pelts of beaver, fisher, lynx, marten, mink and otter.

As re-enacted, the section will apply to the pelts of all fur-bearing animals except muskrat. The re-enactment is complementary to section 21 of the Bill.

## Section 24. Section 64 of the Act now reads as follows:

64. Except with the written authority of the Minister, no person shall hunt or trap or attempt to trap a fur-bearing animal in the wild state for the purpose of transfer to a furfarm as defined in The Fur Farms Act, 1971.

The section is extended to apply to the hunting or trapping of fur-bearing animals for educational or scientific purposes.

## SECTION 25. Section 69 of the Act now reads as follows:

- 69.—(1) No person shall sell, offer for sale, purchase or barter, or be concerned in the sale, purchase or barter of an Atlantic salmon, (also known as ouananiche) taken from Ontario waters, a smallmouth bass, largemouth bass, maskinonge, brook trout, brown trout, rainbow trout or Aurora trout, but subject to such terms and conditions as are prescribed by the regulations,
  - (a) under the authority of a licence to propagate and sell bass and trout, a sale may be made of smallmouth bass, largemouth bass, brook trout or rainbow trout propagated in Ontario for the purpose of stocking and of brook trout and rainbow trout for human consumption; and
  - (b) under the authority of a licence to sell trout, a sale may be made for human consumption of,
    - (i) brook trout and rainbow trout taken from waters outside Ontario,
    - (ii) live brook trout and rainbow trout propagated in Ontario and offered for sale in a restaurant or a retail shop, or
    - (iii) surplus stocks of brook trout and rainbow trout held under a fishing preserve licence.
  - (2) No person shall sell, offer for sale, purchase or barter, or be concerned in the sale, purchase or barter, of yellow pickerel (also known as pike-perch, walleye or dore), pike, lake trout or sturgeon taken from Ontario waters by angling or taken in any other manner by a person without a commercial fishing licence.
  - (3) No person shall buy, sell or possess a fish or part of a fish taken from Ontario waters during the closed season for that fish.

The amendment to subsection 1 of the section extends its application to any part, including the eggs, of the species of fish named therein.

The re-enactment of subsection 2 adds the species "sauger".

The amendment to subsection 3 extends its application to the eggs of a fish.

SECTION 26. Section 71 of the Act now reads as follows:

- 71.—(1) Except under the authority of a licence, no person shall possess a gill, hoop, pound, seine, trap or trawl net.
  - (2) No person shall sell a gill, hoop, pound, seine, trap or trawl net to any person not the holder of a commercial fishing licence or a licence under subsection 1.

The new subsection provides an exception to the section.

- (b) educational or scientific purposes.
- **25.**—(1) Subsection 1 of section 69 of the said Act, as re-enacted by the s. 69 (1). Statutes of Ontario, 1973, chapter 108, section 8, is amended by inserting after "Aurora trout" in the fifth line "or any part thereof, including the eggs thereof".
  - (2) Subsection 2 of the said section 69 is repealed and the following s. 69 (2). substituted therefor:
  - (2) No person shall sell, offer for sale, purchase or barter, or be Idem concerned in the sale, purchase or barter, of yellow pickerel (also known as pike-perch, walleye, dore or blue pickerel) pike, lake trout, sturgeon or sauger, or any part thereof, taken from Ontario waters by angling or taken in any other manner by a person who is not the holder of a commercial fishing licence.
  - (3) Subsection 3 of the said section 69 is amended by inserting s. 69 (3). after "fish" where it occurs the second time in the first line "including the eggs thereof".
- 26. Section 71 of the said Act is amended by adding thereto the follow- s. 71. ing subsection:
  - (3) Subsection 1 does not apply to a manufacturer, merchant or Exception common carrier that possesses any net referred to in subsection 1 for the purpose of sale or transportation.
- 27. Sections 73, 74 and 75 of the said Act are repealed and the following ss. 73, 74 substituted therefor: re-enacted
  - 73. Except under the authority of a licence and during such Hunting times and on such terms and conditions and in such parts of amphibians and Ontario as are prescribed in the regulations, no person shall hunt reptiles or attempt to hunt or possess any amphibian or reptile.

74. Except under the authority of a licence and subject to the Sale of regulations, no person shall sell, offer for sale, purchase or barter, and or be concerned in the sale, purchase or barter, of any amphibian reptiles or reptile, or possess an amphibian or reptile for sale.

75. Except with the written authority of the Minister and subject to such terms and conditions as he may impose, no person and reptiles shall take an amphibian or reptile by any means for educational or educational scientific purposes.

**28.** Section 76 of the said Act is amended by inserting after "deer" in the amended amended third line "elk".

29. Section 77 of the said Act is repealed and the following substituted s. 77, re-enacted therefor:

Dogs running at large, etc. 77.—(1) No person owning, claiming to own or harbouring a dog shall allow it to run at large during the closed season for deer, elk, moose or bear in a locality that deer, elk, moose or bear usually inhabit or in which they or any of them are usually found, and a dog found running deer, elk, moose or bear during the closed season for deer, elk, moose or bear in such a locality may be killed on sight by an officer without incurring any liability or penalty therefor.

Use of dogs in hunting deer, etc., prohibited in designated areas (2) No person shall use or be accompanied by a dog while hunting deer, elk, moose or bear in a part of Ontario that is designated in the regulations, and a dog found running at large in such a designated part of Ontario may be killed on sight by an officer without incurring any liability or penalty therefor.

s.78, re-enacted **30.** Section 78 of the said Act is repealed and the following substituted therefor:

Interpretation 78.—(1) In this section,

- (a) "field trial" means an activity, the objective of which is to test the hunting skills of a dog;
- (b) "training" means the process of teaching a dog,
  - (i) hunting skills, or
  - (ii) such skills as are necessary for participation in a field trial.

Field trials and training restricted

- (2) Except with the written authority of the Minister and subject to such terms and conditions as he may impose, no person shall conduct,
  - (a) a field trial; or
  - (b) training,

that involves a game animal or a game bird during any closed season therefor.

s. 87, repealed **31.** Section 87 of the said Act is repealed.

s. 90, amended **32.** Section 90 of the said Act is amended by striking out "\$1,000" in the third line and inserting in lieu thereof "\$5,000".

s. 91, par. 8, re-enacted

- **33.**—(1) Paragraph 8 of section 91 of the said Act is repealed and the following substituted therefor:
  - 8. designating classes of licences and prescribing parts of Ontario for the purposes of subsection 8 of section 36.

SECTION 27. Sections 73, 74 and 75 of the Act now read as follows:

- 73. No person shall take or attempt to take frogs by any means from waters set apart for the conservation or propagation of frogs, but the Minister may, in writing, authorize frogs to be taken from such waters for scientific purposes.
- 74. No person shall take a bullfrog during a closed season.
- 75. Except under the authority of a licence and on such terms and conditions and in such parts of Ontario as the Lieutenant Governor in Council prescribes, no person shall take bullfrogs for the purpose of sale or barter.

The sections are revised to apply to any amphibian or reptile.

SECTION 28. Section 76 of the Act now reads as follows:

76. Except under the authority of a licence issued for the dog, no person shall use or be accompanied by a dog while hunting caribou, deer or moose.

The section is amended to include "elk" as a separate species.

SECTION 29. Section 77 of the Act now reads as follows:

- 77.—(1) No person owning, claiming to own or harbouring a dog shall allow it to run at large during the closed season for deer in a locality that deer usually inhabit or in which they are usually found, and a dog found running deer during the closed season for deer in such a locality may be killed on sight by an officer without incurring any liability or penalty therefor.
  - (2) No person shall use or be accompanied by a dog while hunting deer in a part of Ontario that is designated in the regulations, and a dog found running at large in such a designated part of Ontario may be killed on sight by an officer without incurring any liability or penalty therefor.

The section is re-enacted to include "elk" as a separate species and is enlarged to include moose and bear.

SECTION 30. Section 78 of the Act now reads as follows:

78. Except in a field trial approved in writing by the Minister, no person owning, claiming to own or harbouring a dog shall allow it to molest or follow upon the track of any game bird during the months of April, May, June and July in any year or disturb its nest at any time.

The section is revised and its application is extended to game animals.

Section 31. Section 87 of the Act provides for the disposition of property forfeited to the Crown under the Act.

The repeal of the section is complementary to section 4 of the Bill.

SECTION 32. Section 90 of the Act now reads as follows:

90. Except where otherwise provided, every person who commits an offence against this Act is liable to a fine of not more than \$1,000.

The maximum fine is increased from \$1,000 to \$5,000.

Section 33. Section 91 of the Act authorized the Lieutenant Governor in Council to make regulations respecting the matters set out in the paragraphs thereof.

The amendments add new paragraphs (subsections 2, 6 and 8) and amend or re-enact existing paragraphs (subsections 1, 3, 4, 5 and 7) to accord with earlier sections of the Bill and to enlarge the authority to make regulations.

- (2) The said section 91, as amended by the Statutes of Ontario, s. 91, amended 1973, chapter 108, section 10 and 1978, chapter 52, section 2, is further amended by adding thereto the following paragraphs:
  - 9a. declaring a species of Amphibia to be an amphibian;
  - 9b. declaring a species of Reptilia to be a reptile;
  - 11a. designating the species of game animals that may be propagated or possessed for propagation under a licence mentioned in subsection 2 of section 47.
- (3) Paragraph 14 of the said section 91 is amended by inserting  $_{\text{par. 14, amended}}^{\text{s. 91, par. 14,}}$  after "deer" in the third line "elk".
- (4) Paragraph 16 of the said section 91 is amended by inserting s. 91. par. 16, after "deer" in the third line "elk, moose or bear".
  - (5) Paragraph 30 of the said section 91 is repealed and the follow- so 91, par. 30, ing substituted therefor:
    - 30. regulating, restricting or prohibiting the possession or use of traps.
  - (6) The said section 91 is further amended by adding thereto the s. 91. following paragraph:
    - 32a. providing for and establishing a program for the education of trappers, including the appointment of instructors.
  - (7) Paragraph 38 of the said section 91 is repealed and the follow- s. 91, par. 38, ing substituted therefor:
    - 38. prescribing the open seasons during which amphibians and reptiles may be taken, the number and size of amphibians and reptiles that may be taken or possessed and the methods whereby amphibians and reptiles may be taken and designating the parts of Ontario where amphibians and reptiles may be taken;
    - 38a. governing the sale, purchase and barter of amphibians and reptiles.
  - (8) The said section 91 is further amended by adding thereto the s. 91, following paragraphs:

- 40a. designating parts of Ontario as wildlife management units;
- 40*b*. limiting and regulating the number of hunters that may hunt at any time in a wildlife management unit and the hours during which hunting may be carried on in a wildlife management unit;
- 40c. establishing a system for registering or reporting game taken or possessed;
- 40*d*. prescribing the time or times and the terms and conditions upon which raccoon may be chased under section 24a;
- 40e. prescribing the time or times and the terms and conditions upon which fox, coyote or wolf may be chased under section 24a.

- s. 92, par. 6, amended
- **34.** Paragraph 6 of section 92 of the said Act is amended by inserting after "deer" in the second line "elk".
- Repeal
- **35.** The Game and Fish Amendment Act, 1980, being chapter 4, is repealed.
- Commencement
- **36.** This Act comes into force on the day it receives Royal Assent.
- Short title
- **37.** The short title of this Act is The Game and Fish Amendment Act, 1980.

SECTION 34. Paragraph 6 of section 92 of the Act now reads as follows:

92. The Minister may make regulations,

6. designating parts of Ontario as areas in which no non-resident shall hunt deer or moose without employing or being accompanied by a licensed guide.

The paragraph is amended to include "elk" as a separate species.





DILL 37

1st Reading
April 28th, 1980
2nd Reading
October 14th, 1980
3rd Reading

THE HON. J. A. C. AULD Minister of Natural Resources

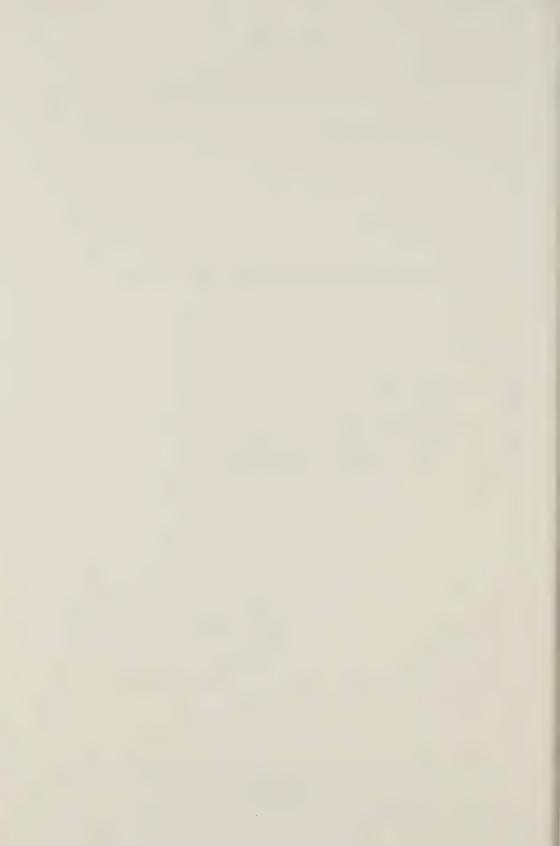
(Reprinted as amended by the Committee of the Whole House)

FBILL 59

4TH SESSION, 31ST LEGISLATURE, ONTARIO
29 ELIZABETH II, 1980 Legislature A.

An Act to amend The Game and Fish Act

THE HON. J. A. C. AULD Minister of Natural Resources



BILL 59 1980

# An Act to amend The Game and Fish Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1.—(1) Section 1 of *The Game and Fish Act*, being chapter 186 of the s. 1, Revised Statutes of Ontario, 1970, as amended by the Statutes of Ontario, 1971, chapter 30, section 1 and 1973, chapter 108, section 1, is further amended by renumbering paragraph 1 as paragraph 1a, by renumbering paragraph 1a as paragraph 1c and by adding thereto the following paragraphs:
  - "amphibian" means any species of Amphibia that the Lieutenant Governor in Council declares to be an amphibian and includes any part and the eggs of such species.
  - 1b. "body-gripping trap" means a trap designed to capture an animal by seizing and holding the animal by any part of its body but does not include a trap designed to capture a mouse or a rat.
  - (2) Paragraph 2 of the said section 1 is repealed.

s. 1, par. 2, repealed

- (3) The said section 1 is further amended by adding thereto the s. 1, following paragraph:
  - 16a. "leg-hold trap" means a trap designed to capture an animal by seizing and holding the animal by the leg or foot.
- (4) Paragraph 20 of the said section 1 is repealed and the following s. 1, par. 20, substituted therefor:
  - 20. "officer" means a conservation officer or a deputy conservation officer and includes a member of the Royal

R.S.O. 1970.

Canadian Mounted Police Force, a member of a police force appointed under *The Police Act* and any other person authorized to enforce this Act.

s. I, amended

- (5) The said section 1 is further amended by adding thereto the following paragraphs:
  - 25a. "power-boat" means any device that is capable of floating and to which is affixed a motor as a means of propulsion and includes any floating device towed by a power-boat.
  - 27a. "reptile" means any species of Reptilia that the Lieutenant Governor in Council declares to be a reptile and includes any part and the eggs of such species.

s. 1, par. 30, re-enacted

- (6) Paragraph 30 of the said section 1 is repealed and the following substituted therefor:
  - 30. "trap" means a spring trap, body-gripping trap, leg-hold trap, gin, deadfall, snare, box or net used to capture an animal, and "trapping" has a corresponding meaning.

s. 2 (1) (b), re-enacted **2.**—(1) Clause *b* of subsection 1 of section 2 of the said Act is repealed and the following substituted therefor:

1971, c. 52

(b) to a person taking or destroying any animal, other than a caribou, deer, elk or moose or an animal protected under The Endangered Species Act, 1971, by any means that do not cause unnecessary suffering and at any time on his own land where he finds such animal damaging or destroying his property or, on reasonable grounds, he believes such animal is about to damage or destroy his property.

s. 2. amended (2) The said section 2, as amended by the Statutes of Ontario, 1971, chapter 30, section 2, is further amended by adding thereto the following subsection:

Idem

(3) Notwithstanding subsection 1, this Act applies to domestic animals and to persons referred to in clause b of subsection 1 in respect of the restrictions in section 29a on the use of body-gripping traps and leg-hold traps.

re-enacted

**3.** Subsection 2 of section 7 of the said Act is repealed and the following substituted therefor:

Deputy conservation officers (2) The Minister may appoint deputy conservation officers in and for any part of Ontario.

4. Section 16 of the said Act is repealed and the following substituted s. 16, therefor:

16.—(1) An officer may, without a warrant, seize any vessel, Seizure of vehicle, aircraft, implement, appliance, material, container, goods, equipment, game or fish where the officer on reasonable grounds believes that.

- (a) the vessel, vehicle, aircraft, implement, appliance, material, container, goods or equipment has been used in connection with the commission of an offence against this Act;
- (b) the game or fish or any part thereof has been hunted, taken, killed, transported, bought, sold or had in possession contrary to any provision of this Act or the regulations; or
- (c) the game or fish or part thereof has been intermixed with any game or fish referred to in clause b.
- (2) Subject to subsections 4, 5 and 6, any thing seized under Custody of subsection 1 shall be delivered into the custody of such person as seized the Minister directs for safekeeping pending the conclusion of any investigation or the disposition by a court of any charge laid as a result of the investigation.
  - (3) Where,

Disposition of property

- (a) no charge is laid at the conclusion of an investigation; or no charges are laid, etc.
- (b) any charge that has been laid is withdrawn or dismissed,

any thing seized under subsection 1, other than game or fish that has been disposed of under subsection 4, shall be returned to the person from whom it was seized or to his personal representative.

(4) Where, in the opinion of the person having custody of any Disposition game or fish seized under subsection 1, such game or fish will rot, property spoil or otherwise perish, that person may dispose of the game or seized fish by donation to any charitable organization.

(5) Where the ownership of any implement, appliance, materi-Disposition al, container, goods, equipment, game or fish seized under subsection 1 cannot, at the time of seizure, be ascertained, such implement, appliance, material, container, goods, equipment, game or fish is, upon the seizure thereof, forfeited to the Crown in right of Ontario as represented by the Minister and may be disposed of as the Minister directs.

Forfeiture of property seized (6) Where a person is convicted of an offence against this Act, the court, in addition to any fine imposed, may order that any vessel, vehicle, aircraft, implement, appliance, material, container, goods, equipment, game or fish seized under subsection 1 be forfeited, and upon such order being made, such vessel, vehicle, aircraft, impliment, appliance, material, container, goods, equipment, game or fish ordered to be forfeited is forfeited to the Crown in right of Ontario as represented by the Minister and may be disposed of as the Minister directs.

s. 17, re-enacted

**5.** Section 17 of the said Act is repealed and the following substituted therefor:

Hunting or trapping for hire

- 17.—(1) Except with the written authority of the Minister and subject to such terms and conditions as he may impose, no person shall.
  - (a) hunt for hire, gain or reward, or hope thereof, or employ, hire or, for valuable consideration, induce any other person to hunt; or
    - (b) trap for hire, gain or reward, or hope thereof, or employ, hire or, for valuable consideration, induce any other person to trap.

Exception

(2) Clause b of subsection 1 does not apply to the holder of a licence to hunt or trap fur-bearing animals or a person who is nominated by the holder of the licence in accordance with the regulations to trap in his stead.

s. 19. amended **6.** Section 19 of the said Act is amended by striking out "\$1,000" in the sixth line and inserting in lieu thereof "\$5,000".

s. 21, amended **7.** Section 21 of the said Act is amended by adding thereto the following subsection:

Hunting from a stationary vehicle or power-boat (2a) Notwithstanding clause a of subsection 1 and subsection 2, if the Minister is satisfied that the holder of a licence to hunt is incapable of walking and is thereby required to use a wheelchair or other similar means of locomotion, he may in writing authorize that person to have a loaded fire-arm in or on, and to discharge a loaded fire-arm from, a vehicle or power-boat that is not in motion.

s. 24, re-enacted **8.** Section 24 of the said Act is repealed and the following substituted therefor:

Exception, raccoon hunting

24. Subject to section 21 and notwithstanding section 23, the holder of a licence to hunt raccoon at night may possess or use a fire-arm of a calibre or type prescribed in the regulations and a light for the purpose of hunting raccoon during the open season

therefor when accompanied by a dog licensed therefor, provided that no person, while so hunting, shall use a light that is attached to a vehicle or is shone from or in a vehicle.

- **9.** The said Act is amended by adding thereto the following sections: ss. 24a, 29a, enacted
  - 24*a*.—(1) In this section, "chase" includes pursuing, following Interpreafter and searching for but does not include taking or capturing, shooting at or shooting.
  - (2) The holder of a licence to chase raccoon at night may chase Licence raccoon at night during such times and upon such terms and raccoon conditions as are prescribed in the regulations.
  - (3) The holder of a licence to chase fox, coyote or wolf may  $\frac{\text{Licence to}}{\text{chase fox}}$ , coyote or wolf, as the case may be, during the day or  $\frac{\text{chase fox}}{\text{etc.}}$  night at such times and upon such terms and conditions as are prescribed in the regulations.
  - 29a.—(1) In this section, "animal" includes any domestic, fur- Interpretation bearing or game animal.
  - (2) No person shall trap or attempt to trap any animal by means Prohibition of a body-gripping trap or leg-hold trap.
    - (3) Subsection 2 does not apply,

Exceptions

- (a) to a person who holds a licence to hunt or trap fur-bearing animals;
- (b) to a farmer who uses a body-gripping trap or leg-hold trap on his own lands in defence or preservation of his property or in circumstances referred to in subsection 6 of section 58;
- (c) to a person who uses a body-gripping trap or leg-hold trap designated by the Minister as a humane trap.
- (4) The Minister may, with the approval of the Lieutenant Minister may make Governor in Council, make an order designating areas or order municipalities in Ontario in which the prohibition set out in subsection 2 does not apply.
- (5) The Minister may, with the approval of the Lieutenant <sup>Idem</sup> Governor in Council, make an order designating any body-gripping trap or leg-hold trap as a humane trap for the purpose of clause c of subsection 3.

s. 36 (8), re-enacted **10.** Subsection 8 of section 36 of the said Act, as re-enacted by the Statutes of Ontario, 1973, chapter 108, section 4, is repealed and the following substituted therefor:

Wearing of badge

(8) The holder of a licence of a class designated in the regulations shall, while hunting in such parts of Ontario as are prescribed in the regulations, wear in a conspicuous place on his person a badge furnished by the Ministry clearly showing the number of the licence.

s. 36c, amended

**11.** Section 36*c* of the said Act, as enacted by the Statutes of Ontario, 1973, chapter 108, section 5, is amended by adding thereto the following subsection:

Refund of fees (3) The Minister may direct the refund, in whole or in part, of the fee paid for any licence that has been cancelled under this Act.

s. 40 (5), amended **12.** Subsection 5 of section 40 of the said Act is amended by inserting after "deer" in the first line "elk".

s. 42 (1), amended **13.**—(1) Subsection 1 of section 42 of the said Act is amended by inserting after "deer" in the fourth line "elk".

s. 42 (2), amended (2) Subsection 2 of the said section 42 is amended by inserting after "deer" in the second line "elk".

s. 44 (1), amended **14.** Subsection 1 of section 44 of the said Act is amended by inserting after "deer" in the second line "elk".

s. 45, amended **15.** Section 45 of the said Act is amended by inserting after "deer" in the first line "elk".

s. 47, amended **16.** Section 47 of the said Act, as amended by the Statutes of Ontario, 1973, chapter 108, section 7, is further amended by adding thereto the following subsection:

Licence to propagate game animal (2) Except under the authority of a licence and subject to the regulations, no person shall propagate a game animal or possess a game animal for propagation.

s. 48, re-enacted **17.** Section 48 of the said Act is repealed and the following substituted therefor:

Taking of game animal

48. Except with the written authority of the Minister and subject to such terms and conditions as he may impose, no person shall take a game animal by any means for educational or scientific purposes.

s. 56, re-enacted **18.** Section 56 of the said Act is repealed and the following substituted therefor:

56.—(1) Except with the written authority of the Minister and Birds subject to such terms and conditions as he may impose, no person shall take a game bird by any means for educational or scientific purposes.

(2) No person shall take, destroy or possess the eggs or nests of Eggs and any game bird, except with the written authority of the Minister to protected take, destroy or possess the eggs or nests for educational or scientific purposes.

- **19.**—(1) Subsection 4 of section 58 of the said Act is repealed and the following substituted therefor:
  - (4) Notwithstanding anything in this Act, no person shall sell, Sale of offer for sale, purchase or barter a live fur-bearing animal or live fur-bearing wolf, except with the written authority of the Minister and subject restricted to the regulations.
  - (4a) The holder of a licence to hunt or trap fur-bearing animals Authority may sell the carcass or any part thereof, including the pelt, of any fur-bearing animal taken by him under that licence.
  - (2) Subsection 5 of the said section 58 is amended by inserting s. 58 (5), after "deer" in the sixth line "elk".
  - (3) Subsection 6 of the said section 58 is repealed and the following s. 58 (6), substituted therefor:
  - (6) A farmer or any member of his family residing with him Exception upon his lands may, without a licence, hunt or trap thereon fur- as to bearing animals during the open seasons and may hunt thereon birds or animals, other than caribou, deer, elk or moose, during the open seasons.
  - (7) Except under the authority of a licence and subject to this Authority Act and the regulations, no farmer and no member of his family limited residing with him upon his lands shall sell the carcass or any part thereof, including the pelt, of any fur-bearing animal taken by him under the provisions of subsection 6.
- 20. Section 60 of the said Act is repealed.

s. 60, repealed

- **21.** Clause *a* of section 61 of the said Act, as re-enacted by the Statutes of s. 61 (*a*). Ontario, 1971, chapter 30, section 3, is repealed and the following substituted therefor:
  - (a) except that a pelt of an animal killed in Ontario may be possessed during the closed season under a licence if applied for within ten days after the end of the open

season in which it was killed, but this clause does not apply to the pelt of a fur-bearing animal that has been sealed or marked in accordance with this Act; and

s. 62 (1) (a) amended

**22.**—(1) Clause *a* of subsection 1 of section 62 of the said Act is amended by striking out "or" where it occurs the second time in the second line.

s. 62 (1) (*b*). re-enacted

(2) Clause *b* of subsection 1 of the said section 62, as re-enacted by the Statutes of Ontario, 1971, chapter 30, section 4, is repealed and the following substituted therefor:

fur dealer's (b) engage in or carry on, or be concerned in, the trading, buying or selling of pelts; or

possession of pelts (c) possess any pelt.

s. 63. re-enacted **23.** Section 63 of the said Act, as amended by the Statutes of Ontario, 1971, chapter 30, section 5, is repealed and the following substituted therefor:

Sealing or marking of pelts 63.—(1) The pelt of any fur-bearing animal, other than a muskrat, shall be sealed or marked by a duly authorized person before sale, and no person licensed under clause b or c of subsection 1 of section 62 shall have the unsealed or unmarked pelt of any fur-bearing animal, other than a muskrat, in his possession.

Offence

(2) No person shall present or permit to be presented for sealing or marking the pelt of any fur-bearing animal required to be sealed under subsection 1 that was not taken by him under the authority of his licence to hunt or trap fur-bearing animals or under subsection 6 of section 58.

Idem

(3) No person shall be party to having or attempting to have sealed or marked the pelt of any fur-bearing animal that was not taken under the authority of the licence that is presented with the pelt.

s. 64, re-enacted **24.** Section 64 of the said Act, as re-enacted by the Statutes of Ontario, 1971, chapter 30, section 6, is repealed and the following substituted therefor:

Hunting and trapping of fur-bearing animals restricted 64. Except with the written authority of the Minister and subject to such terms and conditions as he may impose, no person shall hunt or trap or attempt to trap a fur-bearing animal in the wild state for,

1971, c. 29

(a) the purpose of transfer to a fur farm as defined in *The Fur Farms Act*, 1971; or

- (b) educational or scientific purposes.
- 25.—(1) Subsection 1 of section 69 of the said Act, as re-enacted by the Statutes of Ontario, 1973, chapter 108, section 8, is amended by inserting after "Aurora trout" in the fifth line "or any part thereof, including the eggs thereof".
  - (2) Subsection 2 of the said section 69 is repealed and the following s. 69 (2). substituted therefor:
  - (2) No person shall sell, offer for sale, purchase or barter, or be Idem concerned in the sale, purchase or barter, of yellow pickerel (also known as pike-perch, walleye, dore or blue pickerel) pike, lake trout, sturgeon or sauger, or any part thereof, taken from Ontario waters by angling or taken in any other manner by a person who is not the holder of a commercial fishing licence.
  - (3) Subsection 3 of the said section 69 is amended by inserting s. 69 (3). after "fish" where it occurs the second time in the first line "including the eggs thereof".
- **26.** Section 71 of the said Act is amended by adding thereto the follow- s. 71, ing subsection:
  - (3) Subsection 1 does not apply to a manufacturer, merchant or Exception common carrier that possesses any net referred to in subsection 1 for the purpose of sale or transportation.
- **27.** Sections 73, 74 and 75 of the said Act are repealed and the following ss. 73, 74 and 75, re-enacted
  - 73. Except under the authority of a licence and during such Hunting of amphibitimes and on such terms and conditions and in such parts of ians and Ontario as are prescribed in the regulations, no person shall hunt reptiles or attempt to hunt or possess any amphibian or reptile.
  - 74. Except under the authority of a licence and subject to the regulations, no person shall sell, offer for sale, purchase or barter, and or be concerned in the sale, purchase or barter, of any amphibian reptiles or reptile, or possess an amphibian or reptile for sale.
  - 75. Except with the written authority of the Minister and subject to such terms and conditions as he may impose, no person and reptiles shall take an amphibian or reptile by any means for educational or scientific purposes.
- **28.** Section 76 of the said Act is amended by inserting after "deer" in the structure third line "elk".
- **29.** Section 77 of the said Act is repealed and the following substituted s. 77, therefor:

Dogs running at large, etc. 77.—(1) No person owning, claiming to own or harbouring a dog shall allow it to run at large during the closed season for deer, elk, moose or bear in a locality that deer, elk, moose or bear usually inhabit or in which they or any of them are usually found, and a dog found running deer, elk, moose or bear during the closed season for deer, elk, moose or bear in such a locality may be killed on sight by an officer without incurring any liability or penalty therefor.

Use of dogs in hunting deer, etc., prohibited in designated areas (2) No person shall use or be accompanied by a dog while hunting deer, elk, moose or bear in a part of Ontario that is designated in the regulations, and a dog found running at large in such a designated part of Ontario may be killed on sight by an officer without incurring any liability or penalty therefor.

s.78, re-enacted **30.** Section 78 of the said Act is repealed and the following substituted therefor:

Interpretation

- 78.—(1) In this section,
  - (a) "field trial" means an activity, the objective of which is to test the hunting skills of a dog;
  - (b) "training" means the process of teaching a dog,
    - (i) hunting skills, or
    - (ii) such skills as are necessary for participation in a field trial.

Field trials and training restricted

- (2) Except with the written authority of the Minister and subject to such terms and conditions as he may impose, no person shall conduct,
  - (a) a field trial; or
  - (b) training,

that involves a game animal or a game bird during any closed season therefor.

s. 87, repealed 31. Section 87 of the said Act is repealed.

s. 90, amended **32.** Section 90 of the said Act is amended by striking out "\$1,000" in the third line and inserting in lieu thereof "\$5,000".

par. 8, re-enacted

- **33.**—(1) Paragraph 8 of section 91 of the said Act is repealed and the following substituted therefor:
  - 8. designating classes of licences and prescribing parts of Ontario for the purposes of subsection 8 of section 36.

- (2) The said section 91, as amended by the Statutes of Ontario, s. 91, amended 1973, chapter 108, section 10 and 1978, chapter 52, section 2, is further amended by adding thereto the following paragraphs:
  - 9a. declaring a species of Amphibia to be an amphibian;
  - 9b. declaring a species of Reptilia to be a reptile;
  - 11a. designating the species of game animals that may be propagated or possessed for propagation under a licence mentioned in subsection 2 of section 47.
- (3) Paragraph 14 of the said section 91 is amended by inserting s. 91, after "deer" in the third line "elk".
- (4) Paragraph 16 of the said section 91 is amended by inserting  $\frac{s. 91}{par. 16}$ , after "deer" in the third line "elk, moose or bear".
- (5) Paragraph 30 of the said section 91 is repealed and the follow- so, 91, par. 30, ing substituted therefor:
  - 30. regulating, restricting or prohibiting the possession or use of traps.
- (6) The said section 91 is further amended by adding thereto the s. 91, following paragraph:
  - 32a. providing for and establishing a program for the education of trappers, including the appointment of instructors.
- (7) Paragraph 38 of the said section 91 is repealed and the follow- s. 91, par. 38. ing substituted therefor: re-enacted
  - 38. prescribing the open seasons during which amphibians and reptiles may be taken, the number and size of amphibians and reptiles that may be taken or possessed and the methods whereby amphibians and reptiles may be taken and designating the parts of Ontario where amphibians and reptiles may be taken;
  - 38a. governing the sale, purchase and barter of amphibians and reptiles.
- (8) The said section 91 is further amended by adding thereto the s. 91. following paragraphs:

- 40a. designating parts of Ontario as wildlife management units;
- 40*b*. limiting and regulating the number of hunters that may hunt at any time in a wildlife management unit and the hours during which hunting may be carried on in a wildlife management unit;
- 40c. establishing a system for registering or reporting game taken or possessed;
- 40*d*. prescribing the time or times and the terms and conditions upon which raccoon may be chased under section 24*a*;
- 40*e*. prescribing the time or times and the terms and conditions upon which fox, coyote or wolf may be chased under section 24*a*.

- s. 92, par. 6, amended
- **34.** Paragraph 6 of section 92 of the said Act is amended by inserting after "deer" in the second line "elk".
- Repeal
- **35.** The Game and Fish Amendment Act, 1980, being chapter 4, is repealed.
- Commence-
- **36.** This Act comes into force on the day it receives Royal Assent.
- Short title
- **37.** The short title of this Act is The Game and Fish Amendment Act, 1980.



An Act to amend The Game and Fish Act

1st Reading April 28th, 1980

2nd Reading October 14th, 1980

3rd Reading

November 14th, 1980

THE HON. J. A. C. AULD Minister of Natural Resources

B56

4TH SESSION, 31ST LEGISLATURE, ONTARIO
29 ELIZABETH II, 1980

An Act to require the Registration of Non-resident Interests in Agricultural Land in Ontario

> THE HON. L. C. HENDERSON Minister of Agriculture and Food

#### EXPLANATORY NOTE

The Bill requires persons who are non-residents of Canada to file a registration report on any agricultural land in Ontario in excess of ten hectares in which they acquire or have acquired and retain an interest. Agricultural land is defined as land that is zoned for, or is assessed or actually used as, agricultural land. Non-resident person includes a non-resident corporation as defined in the Bill and registration is required by a person who holds or acquires an interest in agricultural land as trustee for a non-resident person.

On the disposition by a non-resident person of his interest in agricultural land, a cancellation notice is required to be filed. A registration report expires five years after the day on which it is filed, and, if the non-resident person continues to hold an interest in agricultural land, a new registration report is required to be filed within thirty days of the expiry of the earlier report.

Provision is made for the appointment of inspectors and penalties are provided for failing to file a registration report or for otherwise contravening the provisions of the Act.

BILL 60 1980

# An Act to require the Registration of Non-resident Interests in Agricultural Land in Ontario

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.**—(1) In this Act,

Interpretation

- (a) "agricultural land" means land that,
  - (i) under a by-law passed under section 35 of *The R.S.O.* 1970, *Planning Act* or under an order made under section 32 of that Act, is zoned for agricultural use, or
  - (ii) is assessed under *The Assessment Act* or is actually used as farm or agricultural land or as an orchard;
- (b) "conveyance" includes any instrument or writing by which a legal or equitable title to land is conveyed, and, without limiting the generality of the foregoing, includes a mortgage, charge, a final order of foreclosure under a mortgage or charge and an agreement of purchase and sale and "conveyed" has a corresponding meaning;
- (c) "Director" means the Director appointed under this Act;
- (d) "non-resident corporation" means a corporation, regardless of the jurisdiction in which it was formed or organized, that,
  - (i) is controlled directly or indirectly by one or more non-resident persons,
  - (ii) has issued shares to which are attached 50 per cent or more of the voting rights ordinarily exercisable at meetings of shareholders to one or more non-resident persons,

- (iii) has issued shares to which are attached 25 per cent or more of the voting rights ordinarily exercisable at meetings of shareholders to any one non-resident person,
- (iv) has a board of directors, one-half or more of which is composed of non-resident persons, or
- (v) in the case of a corporation without share capital, has a membership, one-half or more of which is composed of non-resident persons;
- (e) "non-resident person" means,
  - (i) an individual who is not ordinarily resident in Canada or who, if ordinarily resident in Canada, is neither a Canadian citizen nor a person who has been lawfully admitted to Canada for permanent residence in Canada,
  - (ii) a non-resident corporation,
  - (iii) a partnership, syndicate, association or other organization of which one-half or more of the members are non-resident persons or in which interests representing 50 per cent or more of the total value of the property of the partnership, syndicate, association or organization are beneficially owned by non-resident persons, or
  - (iv) a trust in which non-resident persons within the meaning of subclause i, ii or iii hold 50 per cent or more of the beneficial interests in the corpus of the trust or in the income arising therefrom;
- (f) "prescribed" means prescribed by the regulations made under this Act.

Ordinarily resident defined

- (2) For the purpose of clause e of subsection 1, an individual shall be considered to be ordinarily resident in Canada if, at the time the expression is being applied,
  - (a) he has sojourned in Canada during the next preceding twenty-four months for a period of, or periods the aggregate of which is, 366 days or more;
  - (b) he is a member of the Canadian Forces required to reside outside Canada;
  - (c) he is an ambassador, minister, high commissioner, officer or servant of Canada, or is an agent-general,

officer or servant of a province of Canada, and resided in Canada immediately prior to appointment or employment by Canada or a province of Canada or is entitled to receive representation allowances:

(d) he is performing services in a country other than Canada under an international development assistance program of the Government of Canada that is prescribed for the purposes of paragraph d of subsection 1 of section 250 of the Income Tax Act (Canada), and resided in Canada at 1970-71, any time in the three-month period preceding the day on which such services commenced: or

- (e) he resides outside Canada and is the spouse or child of. and is living with, an individual described in clause b, c or d.
- 2.—(1) Every non-resident person who acquires an interest in Registration agricultural land in Ontario on or after the day this Act comes into force, whether by way of a conveyance, purchase of shares of a corporation that has such an interest, or otherwise, that results in the person acquiring, holding or maintaining an interest in an aggregate of ten or more hectares of agricultural land, shall file with the Director a registration report in the prescribed form.

- (2) Every non-resident person who has acquired an interest in Idem agricultural land in Ontario before the day this Act comes into force and who, on that day, retains an interest in ten or more hectares thereof, shall file with the Director a registration report in the prescribed form.
- (3) Every non-resident person who disposes of or conveys away Cancellation any interest in agricultural land in respect of the acquisition or holding of which a registration report was required to be filed under subsection 1 or 2 shall file with the Director a cancellation notice in the prescribed form.

- (4) Every non-resident person referred to in subsection 1 or 3 Time for shall file the registration report or cancellation notice, as the case report or may be, within ninety days after the date of acquisition or dis-notice posal.
- (5) Every non-resident person referred to in subsection 2 shall Time for file the registration report within two years after the day this Act report comes into force.
- 3.—(1). For the purposes of this Act, where a person who is a Where resident of Canada has acquired or acquires an interest in deemed to agricultural land that, if held or acquired by a non-resident per-be non-resident son, would be subject to this Act and he knowingly holds that

interest on behalf of a non-resident person, by agreement or otherwise, he shall be deemed to be a non-resident person in respect of that interest.

Where resident becomes non-resident

(2) For the purposes of this Act, where a person who is a resident of Canada holds an interest in agricultural land that, if held by a non-resident person, would be subject to this Act and he subsequently becomes a non-resident person he shall be deemed to have received a conveyance of that interest as a non-resident person on the date that he became a non-resident person.

Contents of report and notice **4.** Every registration report and cancellation notice shall set forth the prescribed information.

Expiry of registration report

5. Every registration report expires five years after the day on which it is filed and, where a non-resident person continues to hold an interest referred to in such a registration report, he shall file with the Director a new registration report within thirty days of the expiry of the earlier registration report.

Appointment of Director, inspectors **6.** The Minister of Agriculture and Food may appoint a Director of a branch of the Ministry of Agriculture and Food to administer and enforce this Act and may appoint inspectors whose duties are to carry out the provisions of this Act and the regulations.

Obstructing inspector

7.—(1) No person shall hinder or obstruct an inspector in the course of his duties or furnish an inspector with false information or refuse to permit an inspector to carry out his duties or refuse to furnish him with the prescribed documents, records and information.

Certification of photocopy

(2) Where a book, record, document or extract that has been furnished to an inspector has been photocopied by the inspector, a photocopy purporting to be certified by the inspector to be a copy is admissible in evidence and has the same probative force as the original document would have had if it had been proven in the ordinary way.

False information

**8.** No person shall furnish false information in any registration report or cancellation notice filed under this Act.

Offence

**9.**—(1) Every person who fails to file a registration report under section 2 or 5 and every director or officer of a corporation who knowingly concurs in such failure to file a registration report is guilty of an offence and on conviction is liable to a fine of not more than \$25,000.

Idem

(2) Every person who contravenes any other provision of this Act or any provision of the regulations and every director or officer

of a corporation who knowingly concurs in such contravention is guilty of an offence and on conviction is liable to a fine of not more than \$5,000.

- 10. In any proceedings brought alleging an offence under this  $^{Burden}$  Act, the burden of proof is upon the person charged to establish  $^{of}_{proof}$  that he is not a non-resident person.
- ${f 11.}$  The Lieutenant Governor in Council may make regula-  ${\mbox{\scriptsize Regulations}}$  tions,
  - (a) prescribing the form of a registration report and the information that must be contained therein;
  - (b) prescribing the form of a cancellation notice and the information that must be contained therein;
  - (c) prescribing the powers and duties of inspectors;
  - (d) prescribing the documents, records and information that must be furnished to inspectors;
  - (e) prescribing forms other than those mentioned in clauses a and b and providing for their use.
- **12.** This Act comes into force on a day to be named by procla-Commencemation of the Lieutenant Governor.
- 13. The short title of this Act is The Non-resident Agricultural Short title Land Interests Registration Act, 1980.

An Act to require the Registration of Non-resident Interests in Agricultural Land in Ontario

PILL OF

1st Reading April 29th, 1980

2nd Reading

3rd Reading

THE HON. L. C. HENDERSON Minister of Agriculture and Food

(Government Bill)

4TH SESSION, 31ST LEGISLATURE, ONTARIO
29 ELIZABETH II, 1980

An Act to require the Registration of Non-resident Interests in Agricultural Land in Ontario

THE HON. L. C. HENDERSON Minister of Agriculture and Food

(Reprinted as amended by the Committee of the Whole House)

#### EXPLANATORY NOTE

The Bill requires persons who are non-residents of Canada to file a registration report on any agricultural land in Ontario in excess of ten hectares in which they acquire or have acquired and retain an interest. Agricultural land is defined as land that is zoned for, or is assessed or actually used as, agricultural land. Non-resident person includes a non-resident corporation as defined in the Bill and registration is required by a person who holds or acquires an interest in agricultural land as trustee for a non-resident person.

On the disposition by a non-resident person of his interest in agricultural land, a cancellation notice is required to be filed. A registration report expires five years after the day on which it is filed, and, if the non-resident person continues to hold an interest in agricultural land, a new registration report is required to be filed within thirty days of the expiry of the earlier report.

Provision is made for the appointment of inspectors and penalties are provided for failing to file a registration report or for otherwise contravening the provisions of the Act.

BILL 60 1980

## An Act to require the Registration of Non-resident Interests in Agricultural Land in Ontario

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) In this Act,

Interpretation

- (a) "agricultural land" means land that,
  - (i) under a by-law passed under section 35 of *The* R.S.O. 1970, *Planning Act* or under an order made under section 32 of that Act, is zoned for agricultural use, or
  - (ii) is assessed under *The Assessment Act* or is actually used as farm or agricultural land or as an orchard;
- (b) "conveyance" includes any instrument or writing by which a legal or equitable title to land is conveyed, and, without limiting the generality of the foregoing, includes a mortgage, charge, a final order of foreclosure under a mortgage or charge and an agreement of purchase and sale and "conveyed" has a corresponding meaning;
- (c) "Director" means the Director appointed under this Act;
- (d) "non-resident corporation" means a corporation, regardless of the jurisdiction in which it was formed or organized, that,
  - (i) is controlled directly or indirectly by one or more non-resident persons,
  - (ii) has issued shares to which are attached 50 per cent or more of the voting rights ordinarily exercisable at meetings of shareholders to one or more non-resident persons,

- (iii) has issued shares to which are attached 25 per cent or more of the voting rights ordinarily exercisable at meetings of shareholders to any one non-resident person,
- (iv) has a board of directors, one-half or more of which is composed of non-resident persons, or
- (v) in the case of a corporation without share capital, has a membership, one-half or more of which is composed of non-resident persons;
- (e) "non-resident person" means,
  - (i) an individual who is not ordinarily resident in Canada or who, if ordinarily resident in Canada, is neither a Canadian citizen nor a person who has been lawfully admitted to Canada for permanent residence in Canada,
  - (ii) a non-resident corporation,
  - (iii) a partnership, syndicate, association or other organization of which one-half or more of the members are non-resident persons or in which interests representing 50 per cent or more of the total value of the property of the partnership, syndicate, association or organization are beneficially owned by non-resident persons, or
  - (iv) a trust in which non-resident persons within the meaning of subclause i, ii or iii hold 50 per cent or more of the beneficial interests in the corpus of the trust or in the income arising therefrom;
- (f) "prescribed" means prescribed by the regulations made under this Act.

Ordinarily resident defined

- (2) For the purpose of clause e of subsection 1, an individual shall be considered to be ordinarily resident in Canada if, at the time the expression is being applied,
  - (a) he has sojourned in Canada during the next preceding twenty-four months for a period of, or periods the aggregate of which is, 366 days or more;
  - (b) he is a member of the Canadian Forces required to reside outside Canada;
  - (c) he is an ambassador, minister, high commissioner, officer or servant of Canada, or is an agent-general,

officer or servant of a province of Canada, and resided in Canada immediately prior to appointment or employment by Canada or a province of Canada or is entitled to receive representation allowances;

(d) he is performing services in a country other than Canada under an international development assistance program of the Government of Canada that is prescribed for the purposes of paragraph d of subsection 1 of section 250 of the Income Tax Act (Canada), and resided in Canada at 1970-71, any time in the three-month period preceding the day on c. 63 (Can.) which such services commenced; or

- (e) he resides outside Canada and is the spouse or child of, and is living with, an individual described in clause b, c
- 2.—(1) Every non-resident person who acquires an interest in Registration agricultural land in Ontario on or after the day this Act comes into force, whether by way of a conveyance, purchase of shares of a corporation that has such an interest, or otherwise, that results in the person acquiring, holding or maintaining an interest in an aggregate of ten or more hectares of agricultural land, shall file with the Director a registration report in the prescribed form.

- (2) Every non-resident person who has acquired an interest in Idem agricultural land in Ontario before the day this Act comes into force and who, on that day, retains an interest in ten or more hectares thereof, shall file with the Director a registration report in the prescribed form.
- (3) Every non-resident person who disposes of or conveys away Cancellation any interest in agricultural land in respect of the acquisition or holding of which a registration report was required to be filed under subsection 1 or 2 shall file with the Director a cancellation notice in the prescribed form.

- (4) Every non-resident person referred to in subsection 1 or 3 Time for shall file the registration report or cancellation notice, as the case report or may be, within ninety days after the date of acquisition or dis-notice posal.
- (5) Every non-resident person referred to in subsection 2 shall Time for file the registration report within one year after the day this Act report comes into force.
- (6) Where a non-resident person files a registration report Where under this section respecting any agricultural land and the registreport not tration report or material filed therewith,

- (a) provides information on other non-resident persons who are also required to file a registration report respecting that agricultural land; and
- (b) the information supplied under clause a is equivalent in nature and extent to the information required of a non-resident person filing a registration report,

those other non-resident persons are not required to file a separate registration report respecting that agricultural land.

Where resident deemed to be nonresident **3.**—(1) For the purposes of this Act, where a person who is a resident of Canada has acquired or acquires an interest in agricultural land that, if held or acquired by a non-resident person, would be subject to this Act and he knowingly holds that interest on behalf of a non-resident person, by agreement or otherwise, he shall be deemed to be a non-resident person in respect of that interest.

Where resident becomes nonresident (2) For the purposes of this Act, where a person who is a resident of Canada holds an interest in agricultural land that, if held by a non-resident person, would be subject to this Act and he subsequently becomes a non-resident person he shall be deemed to have received a conveyance of that interest as a non-resident person on the date that he became a non-resident person.

Contents of report and notice

**4.** Every registration report and cancellation notice shall set forth the prescribed information.

Expiry of registration report

**5.** Every registration report expires five years after the day on which it is filed and, where a non-resident person continues to hold an interest referred to in such a registration report, he shall file with the Director a new registration report within thirty days of the expiry of the earlier registration report.

Appointment of Director, inspectors **6.** The Minister of Agriculture and Food may appoint a Director of a branch of the Ministry of Agriculture and Food to administer and enforce this Act and may appoint inspectors whose duties are to carry out the provisions of this Act and the regulations.

Obstructing inspector

7.—(1) No person shall hinder or obstruct an inspector in the course of his duties or furnish an inspector with false information or refuse to permit an inspector to carry out his duties or refuse to furnish him with the prescribed documents, records and information.

Certification of photocopy

(2) Where a book, record, document or extract that has been furnished to an inspector has been photocopied by the inspector, a photocopy purporting to be certified by the inspector to be a copy

is admissible in evidence and has the same probative force as the original document would have had if it had been proven in the ordinary way.

- **8.** No person shall furnish false information in any registration False report or cancellation notice filed under this Act.
- **9.**—(1) Every person who fails to file a registration report <sup>Offence</sup> under section 2 or 5 and every director or officer of a corporation who knowingly concurs in such failure to file a registration report is guilty of an offence and on conviction is liable to a fine of not more than \$25,000.
- (2) Every person who contravenes any other provision of this <sup>Idem</sup> Act or any provision of the regulations and every director or officer of a corporation who knowingly concurs in such contravention is guilty of an offence and on conviction is liable to a fine of not more than \$5,000.
- **10.** In any proceedings brought alleging an offence under this  $_{\text{proof}}^{\text{Burden}}$  Act, the burden of proof is upon the person charged to establish  $_{\text{proof}}^{\text{follow}}$  that he is not a non-resident person.
- ${\bf 11.}$  The Lieutenant Governor in Council may make regula-  ${}^{\text{Regulations}}$  tions,
  - (a) prescribing the form of a registration report and the information that must be contained therein;
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- **12.** This Act comes into force on a day to be named by procla-Commence mation of the Lieutenant Governor.
- **13.** The short title of this Act is *The Non-resident Agricultural* Short title Land Interests Registration Act, 1980.

An Act to require the Registration of Non-resident Interests in Agricultural Land in Ontario

1st Reading April 29th, 1980

2nd Reading
June 9th, 1980

3rd Reading

THE HON. L. C. HENDERSON Minister of Agriculture and Food

(Reprinted as amended by the Committee of the Whole House)

120N 2 B56 Publications

4TH SESSION, 31ST LEGISLATURE, ONTARIO 29 ELIZABETH II, 1980

## An Act to require the Registration of Non-resident Interests in Agricultural Land in Ontario

THE HON. L. C. HENDERSON Minister of Agriculture and Food





BILL 60 1980

## An Act to require the Registration of Non-resident Interests in Agricultural Land in Ontario

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) In this Act,

Interpretation

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officer or servant of a province of Canada, and resided in Canada immediately prior to appointment or employment by Canada or a province of Canada or is entitled to receive representation allowances:

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Contents of report and notice

**4.** Every registration report and cancellation notice shall set forth the prescribed information.

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Obstructing inspector

7.—(1) No person shall hinder or obstruct an inspector in the course of his duties or furnish an inspector with false information or refuse to permit an inspector to carry out his duties or refuse to furnish him with the prescribed documents, records and information.

Certification of photocopy (2) Where a book, record, document or extract that has been furnished to an inspector has been photocopied by the inspector, a photocopy purporting to be certified by the inspector to be a copy

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- (2) Every person who contravenes any other provision of this <sup>Idem</sup> Act or any provision of the regulations and every director or officer of a corporation who knowingly concurs in such contravention is guilty of an offence and on conviction is liable to a fine of not more than \$5,000.
- 10. In any proceedings brought alleging an offence under this  $\frac{\text{Burden}}{\text{of}}$  Act, the burden of proof is upon the person charged to establish  $\frac{\text{of}}{\text{proof}}$  that he is not a non-resident person.
- 11. The Lieutenant Governor in Council may make regula- Regulations tions,
  - (a) prescribing the form of a registration report and the information that must be contained therein;
  - (b) prescribing the form of a cancellation notice and the information that must be contained therein;
  - (c) prescribing the powers and duties of inspectors;
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- **12.** This Act comes into force on a day to be named by procla-Commencemation of the Lieutenant Governor.
- 13. The short title of this Act is The Non-resident Agricultural Short title Land Interests Registration Act, 1980.

An Act to require the Registration of Non-resident Interests in Agricultural Land in Ontario

1st Reading April 29th, 1980

2nd Reading
June 9th, 1980

3rd Reading
June 17th, 1980

THE HON. L. C. HENDERSON Minister of Agriculture and Food 4TH SESSION, 31ST LEGISLATURE ONTARIO 29 ELIZABETH II, 1980

An Act to amend The Tobacco Tax Act

THE HON. L. MAECK Minister of Revenue

#### EXPLANATORY NOTES

GENERAL. The amendments proposed by the Bill deal with the sale of tobacco in Ontario by persons who do not hold wholesale dealer's permits under the Act. Those who sell tobacco for resale and do not hold such a permit are able to avoid their responsibilities under the Act to collect and remit tax.

Section 1. The new subsection 2 extends the class of persons from whom the Minister may demand information in enforcing the Act. The word "dealer" is changed to "person" so that any person can be required to give information to the Minister. The new subsection 2 also incorporates the provisions of subsections 3 and 5 of section 9 dealing with the type of documents which the Minister may demand.

Subsections 3 and 5 of section 9 are accordingly repealed.

Subsections 2, 3 and 5 of section 9 which are to be repealed now read:

- (2) The Minister may, for any purpose related to the administration or enforcement of this Act, by registered letter or by a demand served personally, require from any dealer or, if any such dealer is a partnership or corporation, from a partner or the president, manager, secretary or any director, agent or representative thereof any information or additional information or production, or production on oath, of any books, letters, accounts, invoices, statements, financial or otherwise, or other documents, within such reasonable time as is stipulated therein.
- (3) The Minister may, for any purpose related to the administration or enforcement of this Act and the regulations, by registered letter or by a demand served personally, require from any person, partnership, syndicate, trust or corporation holding or paying or liable to pay any amount to a dealer, or from any partner, agent or official of any such person, partnership, syndicate, trust or corporation, production, or production on oath, of any books, letters, accounts, invoices, statements, financial or otherwise, or other documents, within such reasonable time as is stipulated therein.
- (5) The Minister may, by registered letter or by a demand served personally, require the production, under oath or otherwise, by any person, partnership, syndicate, trust or corporation, or by his or its agent or officer, of any letters, accounts, invoices, statements, financial or otherwise, books or other documents in the possession or in the control of such person, partnership, syndicate, trust or corporation or of his or its agent or officer, for the purpose of determining what tax, if any, is collectable or payable under this Act by any dealer or consumer, and production thereof shall be made within such reasonable time as is stipulated in such registered letter or demand.

Section 2. The new subsection 3 empowers the Minister, in trying to determine if tax is being evaded, to authorize persons to stop and detain in Ontario any commercial motor vehicle and any trailer attached to it. The contents of the motor vehicle may be examined and documents and manifests may be seized and retained if necessary until produced in court.

The new subsections 4 to 7 authorize the seizing of cigarettes from a person holding more than 10,000 cigarettes without a valid wholesale dealer's permit issued under this Act or a vendor's permit under *The Retail Sales Tax Act*. If within thirty days after the seizure, such person either provides security to the Minister for the consumption of the cigarettes or applies for and is issued a wholesale dealer's permit, then the cigarettes will be returned upon payment to the Minister of the costs of seizing and storing the cigarettes. In the event that the above conditions are not met within thirty days, then the cigarettes may be disposed of as the Minister directs and the proceeds of sale will be applied firstly against any other indebtedness of such person under the Act and will then be paid into the Consolidated Revenue Fund.

BILL 61 1980

#### An Act to amend The Tobacco Tax Act

ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- **1.**—(1) Subsection 2 of section 9 of *The Tobacco Tax Act*, being s. 9 (2). chapter 463 of the Revised Statutes of Ontario, 1970, is repealed and the following substituted therefor:
  - (2) The Minister may, by registered letter or by a demand Demand served personally, require from any person, partnership, syndi-information cate, trust or corporation or from his or its agent or officer any information or the production or production under oath of any books, letters, accounts, invoices, statements, financial or otherwise, or other documents in the possession or control of such person, partnership, syndicate, trust or corporation or of his or its agent or officer for the purpose of administering or enforcing this Act or of determining what tax, if any, is collectable or payable under this Act and production of such information or documentation shall be made within such reasonable time as is stipulated in such registered letter or demand.

(2) Subsections 3 and 5 of the said section 9 are repealed. repealed

- 2. Section 10 of the said Act is amended by adding thereto the follow- s. 10, ing subsections:
  - (3) For the purpose of determining if the tax imposed by this Detention Act has been or may be evaded, any person thereunto authorized commercial by the Minister may stop and detain in Ontario any commercial motor vehicle motor vehicle as defined in The Highway Traffic Act, including R.S.O. 1970. any trailer attached to such vehicle, and may examine the contents c. 202 thereof including any cargo, manifests, records, accounts, vouchers, papers or things that may afford evidence as to the contravention of any provision of this Act or the regulations and may seize and take away any of such manifests, records, accounts, or vouchers and retain them until they are produced in any court proceedings.

Seizure and disposal of cigarettes R.S.O. 1970 c. 415

(4) Where more than 10,000 cigarettes are found in the control of a person who does not hold a subsisting wholesale dealer's permit issued under this Act or a subsisting vendor's permit issued under *The Retail Sales Tax Act* or are being transported or stored in Ontario by or for such person, any person thereunto authorized by the Minister may, subject to subsections 5, 6 and 7, seize, impound, hold and dispose of such cigarettes.

Recovery of seized cigarettes (5) Cigarettes seized under subsection 4 shall be forfeited to Her Majesty to be disposed of as the Minister directs unless, within thirty days after their seizure, the person from whom they have been seized furnishes security to the Minister for the collection of the tax imposed by this Act in respect of the consumption of the cigarettes or has applied for and been issued a wholesale dealer's permit under this Act.

Costs of Minister to be paid (6) If within thirty days after the seizure of cigarettes under subsection 4 the person from whom they have been seized furnishes security to the Minister or applies for and is issued a wholesale dealer's permit, the cigarettes so seized shall be returned to such person upon payment by him of all costs incurred by the Minister in seizing, impounding and holding the cigarettes.

Proceeds of sale of cigarettes (7) Where, under subsection 5, a sale of cigarettes is directed by the Minister, the proceeds of such sale remaining after payment of the costs incurred by the Minister in seizing, storing and disposing of the cigarettes shall be applied firstly against the indebtedness under this Act, if any, of the person in whose control the cigarettes were prior to seizure and shall then be paid into the Consolidated Revenue Fund.

s. 11, re-enacted **3.** Section 11 of the said Act is repealed and the following substituted therefor:

Penalty for failure to remit tax

- 11.—(1) Every person designated a collector according to the regulations who fails to remit with any return he is required to file under this Act or the regulations the amount of taxes collectable or payable by him shall, when assessed therefor, pay a penalty of,
  - (a) an amount equal to 5 per cent of the tax that was collectable and of the tax that was payable by him for the period covered by the return, if the amount of such tax was less than \$10,000; or
  - (b) \$500 if the amount of such tax was \$10,000 or more.

Failure to complete return (2) Every person designated a collector according to the regulations who fails to complete the information required on any return to be delivered under the Act or the regulations is liable to a penalty of 1 per cent of the tax collectable by him for the period

SECTION 3. The new amendment replaces the offence of making a false return with new offences similar to those provided for in the other revenue statutes of Ontario.

The new subsection 1 provides for a penalty where a person fails to remit with his return the amount of tax owing.

The new subsection 2 provides for an offence when a collector of tax fails to complete the information requested on a return which is required to be filed under the Act or regulations.

The new subsection 3 provides for offences with respect to making or conspiring to make false statements in a return or in a statement given under the Act, with respect to destroying, altering or omitting information from records or books of account and with respect to the evasion of the tax imposed under the Act.

The section to be repealed now reads:

- 11.—(1) Every person charged with the collection of the tax imposed by this Act and every officer, agent or employee of every such person who signs any return or statement required by this Act or the regulations containing any false statement is guilty of an offence and on summary conviction is liable to a fine of not more than \$2,000 or to imprisonment for a term of not more than one year, or to both.
- (2) Where a corporation is convicted of an offence under subsection 1, the maximum penalty that may be imposed upon the corporation is \$25,000 and not as provided therein.



covered by the return, but such penalty shall not in any case be less than \$20 or more than \$100.

(3) Every person who has,

False statements

- (a) made, or participated in, assented to or acquiesced in the making of, false or deceptive statements in a return, certificate, statement or answer, delivered or made as required by or under this Act or the regulations;
- (b) to evade payment of a tax imposed by this Act, destroyed, altered, mutilated, secreted or otherwise disposed of the records or books of account of a dealer or consumer:
- (c) made, or assented to or acquiesced in the making of, false or deceptive entries or omitted, or assented to or acquiesced in the omission, to enter a material particular in records or books of account of a dealer or consumer;
- (d) wilfully, in any manner, evaded or attempted to evade compliance with this Act or payment of taxes imposed by this Act; or
- (e) conspired with any person to commit any offence described in clauses a to d,

is guilty of an offence and, in addition to any penalty otherwise provided by this Act, is liable on conviction to a fine of not less than 25 per cent of the tax that should have been declared to be collectable or payable or that was sought to be evaded and to not more than double the amount of such tax or to imprisonment for a term of not more than two years or to both.

- 4. The said Act is amended by adding thereto the following section: s. 11c.
  - 11c.—(1) Every person who sells tobacco in Ontario for resale Penalty without holding a subsisting wholesale dealer's permit issued tobacco with under this Act shall, when assessed therefor, pay a penalty computed as follows:

- (a) \$3 for every carton of cigarettes so sold by him;
- (b) 1 cent for every gram or part thereof of any tobacco, other than cigarettes or cigars, so sold by him;
- (c) 50 per cent of the price at which each cigar was so sold by him
- (2) Every person who sells tobacco in Ontario for resale without Offence holding a subsisting wholesale dealer's permit issued under this

Act is guilty of an offence and on conviction is liable to a fine of not less than the amount of tax that would be exigible on the tobacco so sold by him if such tobacco had been purchased by a consumer and not more than an amount equal to twice the amount of such tax so ascertained or to imprisonment for a term of not more than two years.

s. 13, amended **5.** Section 13 of the said Act, as amended by the Statutes of Ontario, 1977, chapter 11, section 5, is further amended by adding thereto the following subsection:

Offence

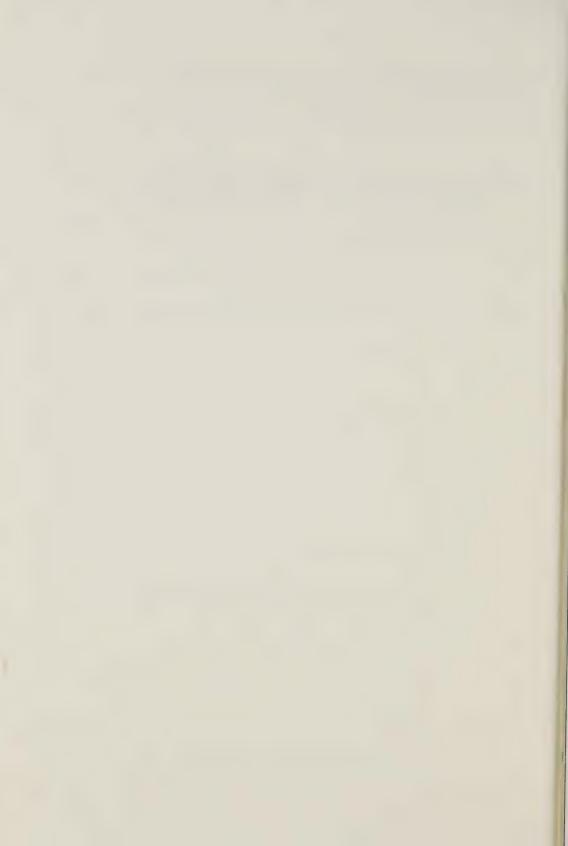
(3) Every person who contravenes section 9 is guilty of an offence and on conviction is liable to a fine of \$50 for each day during which the default continues.

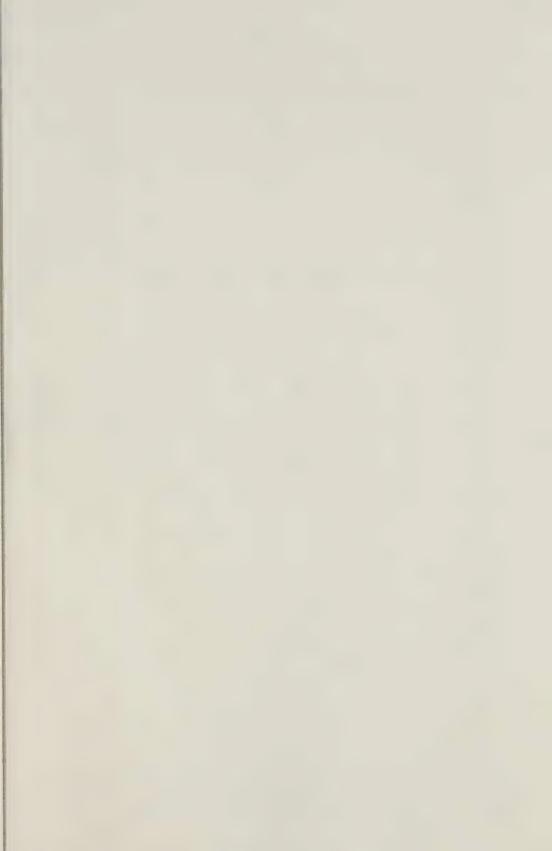
Commencement 6. This Act comes into force on the day it receives Royal Assent.

Short title

7. The short title of this Act is The Tobacco Tax Amendment Act, 1980.

SECTION 5. The new subsection 3 provides that any person who fails to comply with the provisions of section 9 relating to the furnishing of information demanded by the Minister is liable to a fine of \$50 for each day during which the contravention continues.





An Act to amend The Tobacco Tax Act

TO CHILD

1st Reading April 29th, 1980 2nd Reading

3rd Reading

THE HON. L. MAECK Minister of Revenue

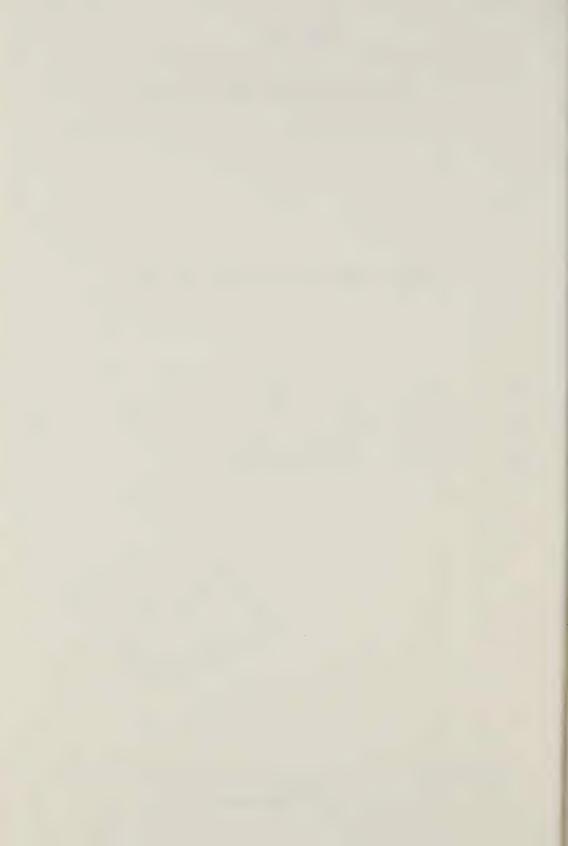
(Government Bill)

4TH SESSION, 31ST LEGISLATURE, ONTARIO
29 ELIZABETH II, 1980 The girl Lane

An Act to amend The Tobacco Tax Act

THE HON. L. MAECK Minister of Revenue





BILL 61 1980

## An Act to amend The Tobacco Tax Act

TER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1.—(1) Subsection 2 of section 9 of The Tobacco Tax Act, being s. 9 (2), chapter 463 of the Revised Statutes of Ontario, 1970, is repealed and the following substituted therefor:
  - (2) The Minister may, by registered letter or by a demand Demand served personally, require from any person, partnership, syndi-information cate, trust or corporation or from his or its agent or officer any information or the production or production under oath of any books, letters, accounts, invoices, statements, financial or otherwise, or other documents in the possession or control of such person, partnership, syndicate, trust or corporation or of his or its agent or officer for the purpose of administering or enforcing this Act or of determining what tax, if any, is collectable or payable under this Act and production of such information or documentation shall be made within such reasonable time as is stipulated in such registered letter or demand.

(2) Subsections 3 and 5 of the said section 9 are repealed.

s. 9 (3, 5),

2. Section 10 of the said Act is amended by adding thereto the follow- s. 10. ing subsections:

(3) For the purpose of determining if the tax imposed by this Detention Act has been or may be evaded, any person thereunto authorized commercial by the Minister may stop and detain in Ontario any commercial motor vehicle motor vehicle as defined in *The Highway Traffic Act*, including R.S.O. 1970. any trailer attached to such vehicle, and may examine the contents c. 202 thereof including any cargo, manifests, records, accounts, vouchers, papers or things that may afford evidence as to the contravention of any provision of this Act or the regulations and may seize and take away any of such manifests, records, accounts, or vouchers and retain them until they are produced in any court proceedings.

Seizure and disposal of cigarettes R.S.O. 1970, c. 415

(4) Where more than 10,000 cigarettes are found in the control of a person who does not hold a subsisting wholesale dealer's permit issued under this Act or a subsisting vendor's permit issued under *The Retail Sales Tax Act* or are being transported or stored in Ontario by or for such person, any person thereunto authorized by the Minister may, subject to subsections 5, 6 and 7, seize, impound, hold and dispose of such cigarettes.

Recovery of seized cigarettes (5) Cigarettes seized under subsection 4 shall be forfeited to Her Majesty to be disposed of as the Minister directs unless, within thirty days after their seizure, the person from whom they have been seized furnishes security to the Minister for the collection of the tax imposed by this Act in respect of the consumption of the cigarettes or has applied for and been issued a wholesale dealer's permit under this Act.

Costs of Minister to be paid (6) If within thirty days after the seizure of cigarettes under subsection 4 the person from whom they have been seized furnishes security to the Minister or applies for and is issued a wholesale dealer's permit, the cigarettes so seized shall be returned to such person upon payment by him of all costs incurred by the Minister in seizing, impounding and holding the cigarettes.

Proceeds of sale of cigarettes (7) Where, under subsection 5, a sale of cigarettes is directed by the Minister, the proceeds of such sale remaining after payment of the costs incurred by the Minister in seizing, storing and disposing of the cigarettes shall be applied firstly against the indebtedness under this Act, if any, of the person in whose control the cigarettes were prior to seizure and shall then be paid into the Consolidated Revenue Fund.

s. 11, re-enacted **3.** Section 11 of the said Act is repealed and the following substituted therefor:

Penalty for failure to remit tax

- 11.—(1) Every person designated a collector according to the regulations who fails to remit with any return he is required to file under this Act or the regulations the amount of taxes collectable or payable by him shall, when assessed therefor, pay a penalty of,
  - (a) an amount equal to 5 per cent of the tax that was collectable and of the tax that was payable by him for the period covered by the return, if the amount of such tax was less than \$10,000; or
  - (b) \$500 if the amount of such tax was \$10,000 or more.

Failure to complete return (2) Every person designated a collector according to the regulations who fails to complete the information required on any return to be delivered under the Act or the regulations is liable to a penalty of 1 per cent of the tax collectable by him for the period

covered by the return, but such penalty shall not in any case be less than \$20 or more than \$100.

(3) Every person who has.

False statements

- (a) made, or participated in, assented to or acquiesced in the making of, false or deceptive statements in a return. certificate, statement or answer, delivered or made as required by or under this Act or the regulations;
- (b) to evade payment of a tax imposed by this Act, destroyed, altered, mutilated, secreted or otherwise disposed of the records or books of account of a dealer or consumer:
- (c) made, or assented to or acquiesced in the making of, false or deceptive entries or omitted, or assented to or acquiesced in the omission, to enter a material particular in records or books of account of a dealer or consumer;
- (d) wilfully, in any manner, evaded or attempted to evade compliance with this Act or payment of taxes imposed by this Act; or
- (e) conspired with any person to commit any offence described in clauses a to d.

is guilty of an offence and, in addition to any penalty otherwise provided by this Act, is liable on conviction to a fine of not less than 25 per cent of the tax that should have been declared to be collectable or payable or that was sought to be evaded and to not more than double the amount of such tax or to imprisonment for a term of not more than two years or to both.

4. The said Act is amended by adding thereto the following section:

s. 11c,

11c.—(1) Every person who sells tobacco in Ontario for resale Penalty without holding a subsisting wholesale dealer's permit issued tobacco with under this Act shall, when assessed therefor, pay a penalty com-no wholesale puted as follows:

dealer's

- (a) \$3 for every carton of cigarettes so sold by him;
- (b) 1 cent for every gram or part thereof of any tobacco, other than cigarettes or cigars, so sold by him;
- (c) 50 per cent of the price at which each cigar was so sold by him.
- (2) Every person who sells tobacco in Ontario for resale without Offence holding a subsisting wholesale dealer's permit issued under this

Act is guilty of an offence and on conviction is liable to a fine of not less than the amount of tax that would be exigible on the tobacco so sold by him if such tobacco had been purchased by a consumer and not more than an amount equal to twice the amount of such tax so ascertained or to imprisonment for a term of not more than two years.

s. 13, amended **5.** Section 13 of the said Act, as amended by the Statutes of Ontario, 1977, chapter 11, section 5, is further amended by adding thereto the following subsection:

Offence

(3) Every person who contravenes section 9 is guilty of an offence and on conviction is liable to a fine of \$50 for each day during which the default continues.

Commencement 6. This Act comes into force on the day it receives Royal Assent.

Short title

7. The short title of this Act is The Tobacco Tax Amendment Act, 1980.



An Act to amend The Tobacco Tax Act

1st Reading April 29th, 1980

2nd Reading May 20th, 1980

3rd Reading June 3rd, 1980

THE HON. L. MAECK Minister of Revenue







